



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 18]

शिमला, शनिवार, 28 नवम्बर, 1970/7 अग्रहायण, 1892

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28 नवम्बर, 1970/7 अग्रहायण, 1892 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्ति 'अमाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुई: —

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 14-3/67-E&T., dated the 16th/19th November, 1970.	Excise and Taxation Department	Amendment in the notification No. 14-3/67-E&T. dated the 1st April, 1969 of the Himachal Pradesh Sales Tax Act, 1968.

भाग 1--वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के उप-राज्यपाल और हिमाचल बेंच आफ देहली हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश सरकार APPOINTMENT DEPARTMENT NOTIFICATIONS

Simla-2, the 18th November, 1970

No. 11-4/66-Appntt.—In exercise of the powers conferred by sub-section (1) of paragraph 18 of the Himachal Pradesh (Courts) Order, 1948, the Administrator (Lieutenant Governor), Himachal Pradesh, in consultation with the Delhi High Court, is pleased to appoint Shri Nihal Singh, Deputy Commissioner, Kinnaur district, to be a Subordinate Judge, with immediate effect and further directs that—

- (a) under paragraph 21 of the said order, the pecuniary jurisdiction of the said officer to be exercised in original civil suits shall extend upto Rs. 5,000 (Rupees five thousand only), and
- (b) under paragraph 22 of the said order, the local limits of the jurisdiction of the said officer shall be the whole of Kinnaur district.

Simla-2, the 18th November, 1970

No. 10-6/67-Appntt.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Administrator (Lieutenant Governor), Himachal Pradesh is pleased to appoint Shri Durga Parshad Sabarwal, Tehsildar Sarkaghat, District Mandi, to be the Magistrate of the Second Class, with all the powers of a Magistrate Second Class, under the said Code, to be exercised within the local limits of Sarkaghat Tehsil of Mandi district with effect from the date of taking over.

PRAKASH CHAND,
Joint Secretary.

AGRICULTURE DEPARTMENT NOTIFICATION

Simla-4, the 23rd November, 1970

No. 16-38/69-Agr. (Sectt.).—The Administrator (Lieutenant Governor), Himachal Pradesh with the prior Agreement of the Union Public Service Commission, obtained vide their letter No. F.2/26 (i)/66 A. III(A.IV), dated the 6th August, 1970, is pleased to order the continuance of *ad hoc* appointment of Sarvshri S. P. Jain, and S.R. Upadhyaya, to the posts of Assistant Director of Agriculture, (Headquarters) and Vegetable Development Officer, Solan respectively in the Department of Agriculture, in the Class I junior scale of Rs. 350-40-630/40-870, for further period upto the end of September, 1970 or till the posts are filled up on a regular basis in accordance with the Recruitment Rules, whichever is earlier.

K. R. SHANDIL,
Under Secretary.

COMMUNITY DEVELOPMENT DEPARTMENT NOTIFICATION

Simla-4, the 17th November, 1970

No. 4-198/70-E-Dev.—The Lieutenant Governor (Administrator), Himachal Pradesh on the recommendation of the Union Public Service Commission, is pleased to offer a temporary post of Assistant Development Commissioner (Women Programme), Himachal Pradesh to Kumari Mira Bai Bhalaik with Headquarters at Simla on the following terms and conditions:—

1. Pay according to rules, in the time scale of Rs. 250-25-550/25-750 plus usual allowances as sanctioned by the Government from time to time.
2. She will be on two years probation from the date of her joining the post.

In case the above terms and conditions are acceptable to her, Kumari Mira Bai Bhalaik is directed to join the post at the C.P. State Headquarters Simla, within seven days from the issue of this order.

P. K. MATTOO,
Secretary.

EDUCATION DEPARTMENT NOTIFICATION

Simla-2, the 18th November, 1970

No. 1-280/70-Sectt. (Edu.-I).—On the recommendations of the Union Public Service Commission, the Administrator (Lieutenant Governor), Himachal Pradesh is pleased to appoint Shri Dina Nath Sharma, Lecturer in Physics, Government College, Mandi to a temporary post of Senior Lecturer in Physics in Government College, Mandi in the scale of Rs. 400-30-640/40-800 Class-II (Gazetted) with effect from 15th June, 1970 (F.N.).

R. V. GUPTA,
Secretary.

FISHERIES DEPARTMENT NOTIFICATION

Simla-4, the 17th November, 1970

No. 23-1/69 Fish(Sectt.).—The Administrator (Lieutenant Governor), Himachal Pradesh with the prior agreement of the Union Public Service Commission obtained vide their letter No. F.2/6(8)/70-A. IV, dated the 1st September, 1970 is pleased to order the continuance of *ad hoc* appointment of Shri Narinder Singh to the post of Assistant Director of Fisheries, Mandi in Class-II (Gazetted) scale of Rs. 250-25-550/75-750 for a period upto 30th September, 1970 or till the post is filled on regular basis in accordance with the Recruitment Rules whichever is earlier.

K. R. SHANDIL,
Under Secretary.

GENERAL ADMINISTRATION DEPARTMENT ADDENDUM

Simla-2, the 16th November, 1970

No. 16-20/70-GAD-I.—Please *ad* the following holidays after (i) Himachal Day falling on 15th April (Thursday) corresponding to Chaitra 25, 1893 (Saka) and (ii) Christmas Day falling on 25th December (Saturday) corresponding to Pausa 4, 1893 (Saka), respectively, in the list of holidays declared under section 25 of the Negotiable Instruments Act, 1881, for the year 1971, vide this Government Notification of even number, dated the 9th November, 1970:—

Bank Holiday 30th June Asadha 9, 1893 Wednesday
Bank Holiday 31st December Pausa 10, 1893 Friday.

K. N. CHANNA,
Chief Secretary.

HEALTH AND FAMILY PLANNING DEPARTMENT NOTIFICATIONS

Simla-2, the 21st November, 1970

No. 1-179/70-H&FP.—The Lieutenant Governor, Himachal Pradesh is pleased to appoint Dr. Mrs. Parkash Chandra as Civil Assistant Surgeon Grade I (Gazetted) in the scale of Rs. 350-25-500-30-590/30-830-35-900 on *ad hoc* basis for a period of one year from 23-9-1970 (Forenoon) or till the post is filled up in accordance with the Central Health Service Rules, whichever is earlier.

Simla-2, the 21st November, 1970

No. 1-67/70-H&FP.—Dr. Ajit Haldar, Nutrition Officer, Himachal Pradesh will hold additional charge of the post of Health Education Officer, Himachal Pradesh from the date of taking over charge.

B. D. SHAUNIK,
Under Secretary.

LABOUR DEPARTMENT NOTIFICATIONS

Simla-1, the 18th November, 1970

No. 8-26/69-SI.—In exercise of the powers conferred on him vide sub-section (1) of section 7 of the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1969 (Act No. 7 of 1970), the Lieutenant Governor (Administrator), Himachal Pradesh is pleased to appoint the Assistant Labour Commissioner, Himachal Pradesh to be the Inspector for the purposes of this Act within the Union Territory of Himachal Pradesh with effect from the date of issue of this notification.

Simla-4, the 18th November, 1970

No. 2-26/69-SI.—In exercise of the powers conferred on him vide sub-section (1) of section 7 of the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1969 (Act No. 7 of 1970), the Lieutenant Governor (Administrator), Himachal Pradesh is pleased to appoint all the Inspectors working under the Labour Department to be the 'Inspectors' for the purposes of this Act within their respective jurisdiction as fixed vide Government Notification No. 1&S-15(Lab.) 359/58, dated the 17th August, 1968.

This notification shall take effect from the date of its issue.

By order,
P. K. MATTOO,
Secretary.

MULTI-PURPOSE PROJECTS AND POWER DEPARTMENT NOTIFICATION

Simla-2, the 19th November, 1970

No. 2-53/69-MPP (Sectt.).—Whereas it appears to the Lieutenant Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at public expense for public purpose, namely for the construction of electricity quarters and Gang huts. It is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Lieutenant Governor, Himachal Pradesh is pleased to authorise, the officer for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, Himachal Pradesh P.W.D., Bilaspur district, Kasumpti, Simla-9.

SPECIFICATION

District: BILASPUR

Tehsil: GHUMARWIN

Village	Khasra No.	Area Big. Bis.
LADHIANI	38/1	1 10
Total	..	1 10

By order,
U. N. SHARMA,
Secretary.

REVENUE DEPARTMENT NOTIFICATIONS

Simla-2, the 16th November, 1970

No. 4-35/70-Rev-II.—Whereas it appears to the Lieutenant Governor, Himachal Pradesh, that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the "Land Damaged by Muck of Road along Sundernagar Hydel Channel in Village Tamroh,

Tehsil Sadar, District Mandi (Himachal Pradesh)". It is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of Section 4 of Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Lieutenant Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may within thirty days of the publication of this notification, file, an objection in writing before the Land Acquisition Collector, Beas Sutlej Link Project, Mandi district, Mandi, Himachal Pradesh.

SPECIFICATION

District: MANDI

Tehsil: SADAR

Village	Khasra No.	Area Big. Bis. Bisw.
TAMROH	376	0 0 18
	377	0 1 10
Total	..	0 2 8

Simla-2, the 16th November, 1970

No. 4-13/70-Rev. II.—Whereas it appears to the Lieutenant Governor, Himachal Pradesh, that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Road along Sundernagar Hydel Channel in Village Harwani, Tehsil Sundernagar, District Mandi (Himachal Pradesh).

It is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, B. S. L. Project, Mandi is hereby directed to take order for the acquisition for the said land.

3. A plan of the land may be inspected in the office of the Land Acquisition Collector B.S.L., Project, Mandi (Himachal Pradesh).

SPECIFICATION

District: MANDI

Tehsil: SUNDERNAGAR

Village	Khasra No.	Area Big. Bis. Bisw.
HARWANI	180/2/1	0 10 12
Total	..	0 10 12

Simla-2, the 18th November, 1970

No. 6-92/60-Rev.II.—In exercise of the powers conferred upon him under section 48(1) of the Land Acquisition Act, 1894, the Lieutenant Governor, Himachal Pradesh is pleased to withdraw the proceeding:

launched for the acquisition of the land specified below in connection with the purpose noted against each.

Sr. No.	Notification u/s 4	Notification u/s 6	Area Big. Bis.	Village	Purpose
1.	6-92/60-Rev.-11, dated 12-2-1969.	6-92/60-Rev.-11, dated 25-8-1969.	17 01	Chini	for Nissan Shelters
2.	6-92/60-Rev.-11, dated 12-2-1969.	6-92/60-Rev.-11, dated 25-8-1969.	41 13	Duni	-do-
		6-92/60-Rev.-11, dated 25-8-1969.	35 17	-do-	Link Road.
		6-92/60-Rev.-11, dated 25-8-1969.	0 16	Chini	-do-
		6-92/60-Rev.-11, dated 12-9-1969.	59 14	Duni	For Nissan Shelters.

By order,
U. N. SHARMA,
Secretary.

Simla-2, the 20th November, 1970

No. 6-2/70-(Rev.I)(III).—In exercise of the powers conferred by sections 2(a)(i) & 3(1)(a) of the East Punjab War Awards Act, 1948 as amended upto date read with the Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, the Lieutenant Governor, Himachal Pradesh is pleased to make grant of War Jagirs of the annual value of Rs. 100 each (Rupees one hundred) only in favour of the undermentioned persons as award for war services rendered by their respective son/sons subject to such conditions as to its enjoyment as are contained in their respective Sanads of the Jagir granted to them in this behalf:—

Sl. No.	No. of sons in Armed Forces	Name/parentage of the grantee	Particulars of residence	Amount of war jagir effective
1	2	3	4	5
1.	One	Shri Mangat Ram s/o Shri Pala Ram.	Village Gondpur Banehra, Tehsil Una, District Kangra	Rs. 100 P.A. (Kharif 1965).
2.	One	Shrimati Basanti Devi wd/o Shri Bikram.	Village Saloh, Tehsil Una, District Kangra	Rs. 100 P.A. (Kharif 1965).

1	2	3	4	5
3.	One	Smt. Har Devi wd/o Shri Natha Singh.	Village Deoli, Tehsil Una, District Kangra	Rs. 100 P.A. (Kharif 1965).
4.	One	Shri Masand Singh s/o Shri Dialu.	Village Kharoh, Tehsil Una, District Kangra	Rs. 100 P.A. (Rabi, 1966).
5.	One	Shri Mast Ram s/o Shri Sunder.	Village Raisari, Tehsil Una, District Kangra	Rs. 100 P.A. (Rabi, 1968).
6.	Four	Smt. Gaya Devi wd/o Shri Labh Singh.	Village Prithpur, Tehsil Una, District Kangra	Rs. 140 P.A. (Rabi, 1966).

Simla-2, the 20th November, 1970

No. 6-10/69-(Rev.I).—Consequent upon the death of Shri Munshi Ram s/o Shri Pall Ram, Village Nakroh, Tehsil Una, District Kangra, on 17-12-1969, the Lieutenant Governor, Himachal Pradesh, in exercise of the powers conferred upon him vide section 2(a)(i) and 3(1)(a) read with proviso to section 4 of the East Punjab Awards Act, 1948 and Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from Kharif, 1965 vide this Government notification No. 6-9/69(Rev.I)(I), dated the 16th April, 1969 shall now continue in favour of Shrimati Golan Devi widow of the said Shri Munshi Ram with effect from Kharif, 1965 subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Sd/-
Under Secretary.

WELFARE DEPARTMENT NOTIFICATION

Simla-2, the 16th November, 1970

No. 3-16/70-Wel. Sectt.—In exercise of the powers conferred by the Himachal Pradesh Probation and Offenders Rules, 1961, and of all other powers enabling him in this behalf, the Administrator (Lieutenant Governor), Himachal Pradesh is pleased to close down the Probation Hostel at Solan, with immediate effect.

H. R. MAHAJAN,
Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनायें इत्यादि

AGRICULTURE DEPARTMENT NOTIFICATION

Simla-5, the 13th November, 1970

No. DDSC-2-17 65. In exercise of the powers vested in me vide rule 10(4) of the Delegation of Financial Powers Rules, 1958, read with the Government of India, Ministry of Home Affairs letter No. 1/5/63-Finance (Pt.), dated the 1st May, 1964, I hereby declare the following officers as Heads of Offices and Drawing and Disbursing Officers and the Deputy Director of Agriculture (SC), as Controlling Officer in respect of the Heads of Accounts mentioned below:—

Sl. No.	Name of Scheme	Designation of Head of Office and Drawing and Disbursing Officer
1	2	3
1.	31-Agriculture (Plan and Non-Plan)— F-12(3)—Establishment of Research-cum-Demonstration Centre.	Assistant Soil Conservation Officer, Paonta Sub-division, Paonta and Sundernagar.
2.	F.12(2) Soil Conservation in River Valley Projects.	Assistant Soil Conservation Officer, Palampur Sub-division, Palampur.

1	2	3
3.	F.12(1) Land Development Scheme. Soil Conservation on Agricultural lands.	Assistant Soil Conservation Officer, Rajgarh Sub-division, Rajgarh.
4.	F.12(2) Soil Conservation in River Valley Projects.	Assistant Soil Conservation Officer, Rajgarh Sub-division, Rajgarh.
5.	Q-Loans and Advances by State and Union Territories Government.	Assistant Soil Conservation Officer, Rajgarh Sub-division, Rajgarh.
	A.—Loans to Local Funds Private Parties, etc.	
	A.-3. Loans to Cultivators, Soil Conservation on Agricultural Lands.	

This notification will take effect from the date of issue.

B. S. JOGI,
Director.

**OFFICE OF THE DEPUTY REGISTRAR CENTRAL
CUM-DEVELOPMENT CO-OPERATIVE
SOCIETIES, HIMACHAL PRADESH
SIMLA-4**

ORDERS

Simla-4, the 6th August, 1970

No. 2-463/70-DRC.—Whereas the general house of the Indra Gram Service Co-operative Society, Ltd., Kuthera, has resolved to wind up the society and as recommended by the Inspector Co-operative and Supplies Ghumarwin vide his letter No. 561, dated 24-6-1970 that there is no scope of its revival, I, Swarupa Nand, Deputy Registrar, Central-cum-Development Co-operative Societies, Himachal Pradesh, Simla-4 in exercise of the powers conferred on me under section 103 of the Himachal Pradesh Co-operative Societies Act, 13 of 1956 do hereby order that the society may be wound up immediately and in exercising of the powers conferred on me under section 104 of the Himachal Pradesh Co-operative Societies Act 13 of 1956, I, Swarupa Nand, Deputy Registrar Central cum-Development Co-operative Societies, Himachal Pradesh do hereby appoint Inspector, Co-operative and Supplies, Ghumarwin, as Liquidator of the Society.

Simla-4, the 2nd October, 1970

No. 2-463/70-DRC.—In continuation of this office order No. 2-463/70-DRC-1002, dated 6th August, 1970, I, Swarupa Nand, Deputy Registrar, Central-cum-Development, Co-operative Societies, Himachal Pradesh, Simla-4, do hereby order that Inspector, Co-operative and Supplies, Ghumarwin who has been appointed as Liquidator under aforesaid order of the Indra Gram Service Co-operative Society, Ltd., Kuthera will exercise all powers of the Liquidator contained under section 105 of the Himachal Pradesh Co-operative Societies Act, 1956.

SWARUPA NAND,
Deputy Registrar.

**OFFICE OF THE REGISTRAR CO-OPERATIVE
SOCIETIES (PRIMARY), MANDI DISTRICT
MANDI (HIMACHAL PRADESH)**

OFFICE ORDER

Mandi, the 16th November, 1970

No. Co-op.M.397/68-III.—Whereas the Sharda Oil Industrial Co-operative Society, Ltd., Mandi has been ordered to be wound up under section 103(c) of the Himachal Pradesh Co-operative Societies Act 13 of 1956, and the Inspector Co-operative Societies (Head-quarters) Shri Gian Chand Viadya, was appointed as Liquidator vide this office order No. Co-op.M.397/68-III-8020-24, dated 26th September, 1970;

Whereas Shri Gian Chand Vaidya has not taken over the charge of the books of the said society from Shri Taba Ram, the then Liquidator and he (Shri Gian Chand) has been transferred to Chauntra Block, Joginderngar, therefore, in exercise of the powers vested in me under section 104 of Himachal Pradesh Co-operative Societies Act 13 of 1956, I, Partap Singh, Registrar, Co-operative Societies (Primary), Mandi district, Mandi appoint Shri Achhar Singh Malhotra, Inspector Headquarters as Liquidator of the Sharda Oil Industrial Co-operative Society Ltd., Mandi.

The Liquidator is also delegated all the powers under section 105, of the H. P. Co-operative Societies Act,

13. of 1956, subject to the control of the Registrar, Co-operative Societies, (Pry.), Mandi district, Mandi.

PARTAP SINGH,
Registrar.

**INDUSTRIES DEPARTMENT
NOTIFICATIONS**

**DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE
AID TO INDUSTRIES ACT, 1935**

Dharamsala, the 16th November, 1970

No. Ind.(Loans)(L/DIO/501).—WHEREAS a notice was served on Shri Rasila Ram s/o Shri Paloo Ram, Village Har, Post Office Nehranpukhar, Tehsil Dehra, District Kangra on 18-4-1970 under section 23 of the Punjab State Aid to Industries Act, 1935, calling upon the said Shri Rasila Ram s/o Shri Paloo Ram, to pay to me the sum of Rs. 660 Principal and Rs. 190 as interest with interest thereon at the rate of Rs. 7½ per cent per annum from 20-5-1970 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 660 Pr. & Rs. 250 as interest with further interest thereon at the rate of Rs. 7½ per cent per annum from 20-11-1970 till date of final payment is due from the said Shri Rasila Ram s/o Shri Paloo Ram, Village Har, Tehsil Dehra, and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, stores, shares, premises and machinery, whether existing or to be purchased with the aid of loan or a part thereof. Any other personal security of the loanee.

V.P. GUPTA,
District Industries Officer, Kangra.

**DECLARATION UNDER SECTION 24 OF THE PUNJAB
STATE AID TO INDUSTRIES ACT, 1935**

Dharamsala, the 16th November, 1970

No. Ind.(Loans)(1/DIO/700.—WHEREAS a notice was served on Shri Parmesri Dass s/o Shri Wazira Ram, Village and Post Office Nadaun, Tehsil Hamirpur, District Kangra on 25-7-1966 under section 27 of the Punjab State Aid to Industries Act, 1935, calling upon the said Shri Parmesri Dass s/o Wazira Ram, to pay to me the sum of Rs. 1,000 with interest thereon at the rate of 7-1/2 per cent, per annum from 3-3-1965 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 1,000 as Pr. & Rs. 540 as interest with further interest thereon at the rate of Rs. 7-1/2 per cent per annum from 3-12-1970 till date of final payment is due from the said Shri Parmesri Dass s/o Shri Wazira Ram, Village and Post Office Nadaun, and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are now or in future in his name including book debts, stocks, stores, shares, premises and machinery, whether existing or to be purchased with the aid of loan or part thereof. Any other personal security of the loanee.

V. P. GUPTA,
District Industries Officer, Kangra.

**DECLARATION UNDER SECTION 24 OF THE PUNJAB
STATE AID TO INDUSTRIES ACT, 1935**

Dharamsala, the 16th November, 1970

No. Ind.(Loans)(L/DIO/663)/15673.—WHEREAS a notice was served on Shri Hari Chand s/o Shri Maheshu Ram, Village and Post Office Ladwara, Tehsil Hamirpur, District Kangra, on 20-3-1969 under section 23 of the Punjab State Aid to Industries Act, 1935, calling upon the said Shri Hari Chand s/o Shri Maheshu Ram, to pay to me the sum of Rs. 160 Pr. and Rs. 73 as interest with further interest thereon at the rate of Rs. 7½ per cent, per annum from 13-4-1969 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 680 principal and Rs. 55 as interest with further interest thereon at the rate of 7-1/2 per cent per annum from 13-11-1970 till date of final payment is due from the said Shri Hari Chand s/o Shri Maheshu Ram, Village and Post Office Ladwara, and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are now or in future in his name including book debts, stocks, stores, shares, premises and machinery, whether existing or to be purchased with the said of

loan or a part thereof. The personal security of his following sureties.

1. Shri Ram Rattan s/o Shri Rasila Ram, Village and Post Office Ladwara.
2. Shri Jaishi Ram s/o Shri Giana, Tika Kalyara, Village and Post Office Gharo.

V. P. GUPTA,
District Industries Officer, Kangra.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935

Dharamsala, the 20th November, 1970

No. Ind.(Loan)(L-II).—Whereas a notice was served on Shri Puran Chand s/o Shri Hiru Ram, r/o Village and Post Office Haripur, Tehsil Dehra, District Kangra, Himachal Pradesh on 15-1-1970 under section 23 of the Punjab State Aid to Industries Act, 1935 calling upon the said Shri Puran Chand to pay to me a sum of Rs. 165 with further interest thereon at the rate of $7\frac{1}{2}$ per cent per annum from 30-3-1969 till date of deposit or before 31-1-1970 and whereas the said sum has not been deposited in full I hereby declare that a sum of Rs. 515 with further interest thereon at the rate of $7\frac{1}{2}$ per cent per annum from 30-3-1970 till date of final payment is due from the said Shri Puran Chand and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name, including book debts, stock, shares, premises and machinery and equipments, whether these existing or to be purchased with the aid of loan or part thereof and any other personal security of the loanee.

V. P. GUPTA,
District Industries Officer,
Kangra.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935

Dharamsala, the 20th November, 1970

No. Ind.(Loan)(L-II).—Whereas a notice was served on Shri Nankoo Ram s/o Shri Chetu Ram, r/o Village Jal Dakhli Paira, Post Office Muhal, Tehsil Dehra, District Kangra, Himachal Pradesh on 15-1-1970 under section 23 of the Punjab State Aid to Industries Act, 1935 calling upon the said Shri Nankoo Ram, to pay to me a sum of Rs. 110 with further interest thereon at the rate of $7\frac{1}{2}$ per cent per annum from 31-3-1969 till date of deposit or before 31-1-1970 and whereas the said sum has not been deposited in full I hereby declare that a sum of Rs. 1,030 with further interest thereon at the rate of $7\frac{1}{2}$ per cent per annum from 31-3-1969 till date of final payment is due from the said Shri Nankoo Ram and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name, including book debts, stock, shares, premises, machinery and equipments whether these existing or to be purchased with the aid of loan or part thereof and any other personal security of the loanee.

V. P. GUPTA,
District Industries Officer, Kangra.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935

Dharamsala, the 20th November, 1970

No. Ind.(Loan)(L-II).—Whereas a notice was served on Shri Sukh Ram s/o Shri Beli Ram, r/o Village Ustehar, P.O. Baijnath, Tehsil Palampur, District Kangra, Himachal Pradesh on 20-1-1970 under section 27 of the Punjab State Aid to Industries Act, 1935 calling upon the said Shri Sukh Ram, to pay to me a sum of Rs. 500 with further interest thereon at the rate of $7\frac{1}{2}$ per cent per annum from 28-3-1967 till date of deposit or before 31-1-1970 and whereas the said sum has not been deposited in full I hereby declare that a sum of Rs. 500 with further interest thereon at the rate of $7\frac{1}{2}$ per cent per annum from 28-3-1967 till date of final payment is due from the said Shri Sukh Ram and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name, including book debts, stock, shares, premises, machinery and equipments

whether these existing or to be purchased with the aid of loan or part thereof and any other personal security of the loanee.

V. P. GUPTA,
District Industries Officer, Kangra.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935

Dharamsala, the 20th November, 1970

No. Ind.(Loan)(L-II).—Whereas a notice was served on Shri Jaishi Ram s/o Shri Rama, r/o Village Bussal, Post Office Baroh, Tehsil Kangra, District Kangra, Himachal Pradesh on 30-5-1970 under section 27 of the Punjab State Aid to Industries Act, 1935 calling upon the said Shri Jaishi Ram to pay to me a sum of Rs. 1,000 with further interest thereon at the rate of 8 per cent per annum from 29-1-1968 till date of deposit or before 30-6-1970 and whereas the said sum has not been deposited in full I hereby declare that a sum of Rs. 1,000 with further interest thereon at the rate of Rs. 8 per cent per annum from 29-1-1968 till date of final payment is due from the said Shri Jaishi Ram, and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name, including book debts, stock, shares, premises, machinery and equipments whether these existing or to be purchased with the aid of loan or part thereof and any other personal security of the loanee.

V. P. GUPTA,
District Industries Officer, Kangra.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935

Dharamsala, the 20th November, 1970

No. Ind.(Loans)(L-II).—Whereas a notice was served on Shri Bantu Ram s/o Shri Nandu Ram, r/o Village Ujjain, Post Office Kangra, Tehsil Kangra, District Kangra, Himachal Pradesh on 30-5-1970 under section 27 of the Punjab State Aid to Industries Act, 1935 calling upon the said Shri Bantu Ram to pay to me a sum of Rs. 1,000 with further interest thereon at the rate of 8 per cent per annum, from 23-1-1968 till date of deposit or before 30-6-1970 and whereas the said sum has not been deposited in full I hereby declare that a sum of Rs. 1,000 with further interest thereon at the rate of 8 per cent per annum from 23-1-68 till date of final payment is due from the said Shri Bantu Ram, and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name, including book debts, stock, shares, premises, machinery and equipments whether these existing or to be purchased with the aid of loan or part thereof and any other personal security of the loanee.

V. P. GUPTA,
District Industries Officer, Kangra.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935

Dharamsala, the 20th November, 1970

No. Ind.(Loans)(L-II).—Whereas a notice was served on Shri Mehar Chand s/o Shri Kirhu Ram, r/o Village Ujjain, Post Office Kangra, Tehsil Kangra, District Kangra, Himachal Pradesh on 30-5-1970 under section 27 of the Punjab State Aid to Industries Act, 1935 calling upon the said Shri Mehar Chand to pay to me/the Project Officer (Industries), Palampur a sum of Rs. 1,000 with further interest thereon at the rate of Rs. 8 per cent per annum from 23-1-1968 till date of deposit or before 30-6-1970 and whereas the said sum has not been deposited in full I hereby declare that a sum of Rs. 1,000 with further interest thereon at the rate of Rs. 8 per cent per annum from 23-1-1968 till date of final payment is due from the said Shri Mehar Chand and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name, including book debts, stock, shares, premises, machinery and equipments, whether these existing or to be purchased with the aid of loan or part thereof and any other personal security of the loanee.

V. P. GUPTA,
District Industries Officer, Kangra.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935

Dharamsala, the 20th November, 1970

No. Ind.(Loans)(L-II).—Whereas a notice was served on Shri Ram Singh s/o Shri Jai Singh, r/o Village Kusmit, Post Office Bagora, Tehsil Palampur, District Kangra, Himachal Pradesh on 20-1-1970 under section 27 of the Punjab State Aid to Industries Act, 1935 calling upon the said Shri Ram Singh to pay to me a sum of Rs. 1,000 with further interest thereon at the rate of Rs. 7½ per cent per annum from 30-3-1966 till date of deposit or before 31-1-1970 and whereas the said sum has not been deposited in full I hereby declare that a sum of Rs. 1,000 with further interest thereon at the rate of Rs. 7½ per cent per annum from 30-3-1966 till date of final payment is due from the said Shri Ram Singh and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name, including book debts, stock, shares, premises, machinery and equipments whether these existing or to be purchased with the aid of loan or part thereof and any other personal security of the loanee.

V. P. GUPTA,
District Industries Officer, Kangra.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935

Dharamsala, the 20th November, 1970

No. Ind. (Loan)(L-II).—Whereas a notice was served on Shri Vishwa Nath s/o Shri Bhagat Ram, r/o Village Ranisidhpur, Post Office Bindrabani, Tehsil Palampur, District Kangra, Himachal Pradesh on 16-7-1970 under section 23 of the Punjab State Aid to Industries Act, 1935 calling upon the said Shri Vishwa Nath to pay to the Project Officer (Industries), Palampur a sum of Rs. 55 with further interest thereon at the rate of 8 per cent per annum from 12-3-1970 till date of deposit or before and whereas the said sum has not been deposited in full I hereby declare that a sum of Rs. 1,055 with further interest thereon at the rate of Rs. 8 per cent per annum from 12-3-1970 till date of final payment is due from the said Shri Vishwa Nath and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name, including book debts, stock, shares, premises, machinery and equipment whether these existing or to be purchased with the aid of loan or part thereof and any other personal security of the loanee.

V. P. GUPTA,
District Industries Officer, Kangra.

DECLARATION UNDER SECTION 24 OF THE ACT

Bilaspur, the 20th November, 1970

No. UB(Loan)(Sanct.)/69-4844.—Whereas a notice was served on Shri Prabhu Mal, s/o Shri Lokan Ram, House No. 211 and 212, Daira Sector, No. 1, New Bilaspur Township, Bilaspur, on the 1st December, 1966, under section 23 of the Punjab State Aid to Industries (Himachal Pradesh Amendment) Act, 1964, calling upon the said Shri Prabhu Mal to pay to me the sum of Rs. 3,500 on or before 30-12-1966 and whereas the said sum has not been paid I hereby declare that the sum of Rs. 2,333.33 as principal plus interest Rs. 187.56 upto 31-12-1970 and further interest will be charged till the date of payment is due from the said Shri Prabhu Mal, and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

House shop single storeyed consisting of one room standing on the land comprising in Khasra No. shop 2-B, situated in Janta Sector, No. 1, Bilaspur, Himachal Pradesh.

Sd./-
Assistant District Industries Officer, Bilaspur.

PUBLIC WORKS DEPARTMENT NOTIFICATION

Simla-3, the 20th November, 1970

No. SE-II-R-54/X-15496-15501.—Whereas it appears to the Lieutenant Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of Guma-Jashla Road, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Lieutenant Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any persons interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this Notification, file an objection in writing before the Collector of Land Acquisition, Himachal Pradesh Public Works Department, Mahasu and Outer Saraj, Kulu.

SPECIFICATION

District: MAHASU

Sub-Tehsil: KOTKHAI

Village	Khasra No.	Area Big. Bis.
KIARI	1	82 12

M. L. BANSAL,
*Superintending Engineer, 2nd Circle,
Himachal Pradesh Public Works Department, Simla-3.*

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के उप-राज्यपाल, हिमाचल बैच आफ़ देहली हाई कोर्ट, फाइनेन्शियल कमिश्नर तथा कमिश्नर आफ़ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

EXCISE AND TAXATION DEPARTMENT NOTIFICATION

Simla-2, the 19th November, 1970

No. 1-8/66-E&T.—Consequent upon the posting of Assistant Excise and Taxation Officer, Sirmur district, I, in exercise of the powers vested in me under rule 10(4) of the Delegation of Financial Powers Rules, 1958 read with the Government of India Ministry of Home Affairs letter No. 4/5/63 Finance(Pt.), dated the 1st May, 1964 hereby declare Shri Rup Lal Gupta, Assistant Excise and Taxation Officer, Sirmur district, Nahan as Head of Office in respect of Class III and IV employees of the Excise and Taxation Department, Himachal Pradesh, posted in Sirmur district under the following Head of Accounts, with immediate effect:—

- (i) 10—State Excise Duties.
B—District Executive Establishment.
- (ii) 13—Other Taxes and Duties
A—Collection Charges.
A—2—Superintendence.
- (iii) 12—Sales Tax.
A—Collection Charges.

2. The aforesaid officer will also function as Controlling Officer in respect of T.A. and D.A. of Class III & IV employees.

By order,
PRABHAKAR KAMAT,
Excise and Taxation Commissioner.

FOREST DEPARTMENT NOTIFICATION

Simla-4, the 16th November, 1970

No. 1-143/69-SF(Estt.).—In exercise of the powers delegated by the President under the proviso to Article 309 of the Constitution vide Government of India, Ministry of Home Affairs Notification No. F.27/59-Him(i), dated the 13th July, 1959, the Lieutenant Governor, Himachal Pradesh is pleased to make the following amendments in the Himachal Pradesh Forest Department Class III Service (Ministerial, Technical and

Non-Technical) Recruitment, Promotion and certain condition of Service Rules, 1966, notified vide Himachal Pradesh Government Notification No. Ft. 43-203/49(E.I.) dated 3-3-1966. with immediate effect:—

1. In annexure 'C' appended to the Himachal Pradesh Forest Department Class III Service (Ministerial, Technical and non-Technical) Recruitment, Promotion and certain conditions of Service Rules, 1966 against serial No. 7 "clerks unified grade/junior grade clerks" the existing provisions under column No. 6 are substituted as under:—
 - (i) Selection would be made through a departmental examination confined to such Class IV employees who fulfil the requirement of minimum educational qualifications viz., Matriculation or equivalent and who had put in at least five years of service as class IV employee.
 - (ii) the maximum number of promotees by this method would be limited to 10% of the vacancies in the cadre of unified grade clerks/junior grade clerks occurring in a year; unfilled vacancies would not be carried over to the next years.
2. In rule 5(3) of the aforesaid rules, the following proviso may be added after the existing provisions:—

"Provided further that the maximum age for appointment to the posts of unified grade clerks/junior grade clerks reserved for and to be filled up by Class IV employees through departmental examination, as prescribed in Annexure 'C' to these rules shall be 40 years (45 years for Scheduled Caste/Scheduled Tribes employees)".

H. GUPTA,
Joint Secretary.

OFFICE OF THE COMMISSIONER OF INCOME-TAX,
HARYANA, HIMACHAL PRADESH AND DELHI-III

ORDER

Central Revenues Building, New Delhi-1, the 16th November, 1970

JURISDICTION ORDER UNDER SUB-SECTION (1) OF SECTION 124 OF INCOME-TAX ACT, 1961

No. CIT-III/Jur/70-71/5944.—In supersession of all previous orders in this behalf and in exercise of the powers conferred by sub-section (1) of section 124 of Income-tax Act, 1961 (43 of 1961) and all other powers enabling him in this behalf, the Commissioner of Income-tax, Haryana, Himachal Pradesh and Delhi-III, New Delhi, hereby directs that with effect from the 2nd December, 1970, the Income-tax Officers mentioned in column 2 of the Schedule below shall exercise jurisdiction as defined in column 3 thereof:—

SCHEDULE

Serial No.	Designation of the Income-tax Officer	Jurisdiction
1	2	3
1.	Income-tax Officer, A-Ward Mandi.	All persons or classes of persons, incomes or classes of income and cases or classes of cases within the areas of Lahaul & Spiti and Mandi-districts of Himachal Pradesh other than those assessable by the Income-tax Officer, A-Ward, Simla and Income-tax Officer, B-Ward, Mandi.
2.	Income-tax Officer, B-Ward, Mandi.	(i) All persons or classes of persons, incomes or classes of income and cases or classes of cases within the districts of Kulu and Bilaspur of Himachal Pradesh other than those assessable by Income-tax Officer, A-Ward, Simla.

1 2 3

- (ii) All Individuals and Hindu-Undivided Families carrying on business or profession or residing in the Districts of Lahaul and Spiti, Kulu, Mandi, Bilaspur, Chamba and Kangra of Himachal Pradesh (except those who have been assessed for any year under the Income-tax/Wealth Tax Act on any date prior to 1-4-1970 or who have filed returns of their total income/total wealth under section 139/148 of Income-tax Act, 1961, or under section 13, 14 or 15 of the Wealth Tax Act, 1956, for any year on or before 31-3-1970) and having agricultural land as one of the assets belonging to them.

*Provided that—

- (i) If an Income-tax Officer, has jurisdiction over a firm, he will also have jurisdiction over all the partners of the firm.
- (ii) If a person is a partner in more than one firm assessed by different I.T.Os. the Income-tax officer whose designation appears first in the above schedule will also have jurisdiction over his case.
- (iii) If any case has been or is allotted under section 5(7A) of the Indian Income-tax Act, 1922 or under section 126/127 of the Income-tax Act, 1961, the Income-tax Officer to whom the case has been or is so allotted will have jurisdiction over such case.

R. L. MALHOTRA,
Commissioner of Income-tax.

TRANSPORT DEPARTMENT
NOTIFICATION

Simla-2, the 19th November, 1970

No. 5-28/70-CS&T(Tpt.)(II).—The following draft of an amendment which the Administrator (Lieutenant Governor), Himachal Pradesh proposes to make in the Punjab Motor Vehicles Rules, 1940, as applied to the areas merged with Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, in exercise of the powers conferred by clauses (b) and (j) of sub-section (x) of section 68 of the Motor Vehicles Act, 1939, is published for the information of all persons likely to be affected thereby, as required by sub-section (1) of section 133 of the said Act. Any person who has any objection or suggestion to make may send the same to Secretary (Transport) to Himachal Pradesh Government within one month of the date of the publication of this notification in the Himachal Pradesh Rajpatra. All the objections/suggestions received within the time aforesaid will be duly taken up for consideration by the competent authority before finalising the proposed amendment:—

Appeals against orders of a State Transport Authority or a Regional Transport Authority. In the Punjab Motor Vehicles Rules, 1940, as applied to the areas merged with Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, Rules 4.37 and 4.37-A shall be substituted as under:—

"4.37(1) A person desiring to prefer an appeal under section 64 of the Act against an order of a State Transport Authority or a Regional Transport Authority, shall within thirty days of the receipt of the order prefer a memorandum (in duplicate) to the State Transport Appellate Tribunal (hereinafter referred to as an Appellate Authority) setting forth concisely the grounds of objection to the order of the State Transport Authority or Regional Transport Authority together with a certified copy of that order.

(2) Upon receipt of an appeal in accordance with sub-rule (1) the appellate authority shall appoint a time and place for hearing of the appeal giving the appellant and also the original authority not less than thirty days notice and shall order the appellant to deposit a fee not less than two hundred rupees.

(3) Any person preferring an appeal under the provisions of the Motor Vehicles Act, 1939, and of this rule shall be entitled to obtain a copy of any document filed with a State Transport Authority in connection with any order against which he is appealing on payment of a fee at the rate of two rupees per page."

By order,
B. C. NEGI,
Secretary.

भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

LOCAL SELF GOVERNMENT DEPARTMENT NOTIFICATIONS

Simla-2, the 11th November, 1970

No. 14-68/70-LSG.—The Himachal Pradesh Government had been seized of the demand of various Unions of Employees of the Urban Local Bodies in Himachal Pradesh for the pay scales in the Local Bodies on the salary of their counterparts in Government offices. After careful consideration of this issue the Himachal Pradesh Government has decided to constitute a Committee consisting of the following official/non-official members to make specific recommendations to the Government regarding pay structure including other allied service matters for all categories of employees serving in various Urban Local Bodies in Himachal Pradesh:—

1. Shri U. N. Sharma, Financial Commissioner, Himachal Pradesh .. *Chairman*
2. Shri M. L. Jain, Deputy Secretary (Finance) to the Government of Himachal Pradesh .. *Member*
3. Shri Joseph Dina Nath, Under Secretary (Judicial) to the Government of Himachal Pradesh .. *Member*
4. Shri M. C. Diwan, President, Municipal Committee, Dharamsala (public representative) .. *Member*
5. Shri Devi Saran Mehta (representative of employees) .. *Member*

The Under Secretary (LSG) shall function as non-member-Secretary of the Committee.

The above mentioned Committee shall start functioning immediately. The detailed terms of reference of the said Committee are being notified separately.

By order,
D. B. LAL.
Secretary.

Dharamsala, the 18th November, 1970

No. 2886/LFA.—In pursuance of the provision of section 23 of the Himachal Pradesh Municipal Act, 1968, it is hereby notified that Dr. Mool Chand Diwan, Member has been elected president of the Municipal Committee, Dharamsala in Kangra district.

Sd/-
Deputy Commissioner, Kangra.

DIRECTORATE OF PANCHAYATS ORDER

Simla-4, the 12th November, 1970

No. 4-G21/66-Panch(c).—Whereas Shri Shakti Chand, Panch, Nyaya Panchayat Dharta, Tehsil Sarkaghat, District Mandi, incurred disqualification under Rule 102(a) of Panchayat Rules of Himachal Pradesh at the time of selection of Panch of the Nyaya Panchayat as he was a servant of the Gram Panchayat.

And whereas a show cause notice under section 53 of the Himachal Pradesh Panchayati Raj Act, 1952 read with rule 4 of the Panchayat Rules of Himachal Pradesh for his removal from the office of the Panch, Nyaya Panchayat, Dharta, was given to him on 31st October, 1969.

And whereas reply received from him was examined and was found unsatisfactory.

Now, therefore, I, P. C. Sharma, Director of Panchayats, Himachal Pradesh under the powers vested in me under section 53 of the Himachal Pradesh Panchayati Raj Act, 1952 read with rule 4 of the Panchayat Rules of Himachal Pradesh hereby order the removal of the said Shri Shakti Chand from the office of the

Panch, Nyaya Panchayat Dharta, Tehsil Sarkaghat, District Mandi with immediate effect owing to his disqualification at the time of his selection as a Panch. He shall hand over the charge, if any, of the Panch of the Nyaya Panchayat, Dharta to the Sarpanch of the said Nyaya Panchayat immediately.

CORRIGENDUM

Simla-4, the 12th November, 1970

No. 3-G96/70-Panch(C).—The name "P.C. Sharma" be substituted for the name "B. L. Budhraj" appearing in line 1 of para 3 of this Directorate Order of even number, dated the 9th November, 1970.

ORDERS

Simla-4, the 12th November, 1970

No. 2-G40/70-Panch(c).—Whereas a complaint has been received from the Anti-Corruption Unit, Chamba, Himachal Pradesh against Shri Budhia Ram, President, Gram Panchayat, Bharian, Tehsil Chamba, District Chamba of his having issued a false certificate regarding the completion of a house in favour of Shri Kesho Ram.

And whereas, an enquiry is contemplated under section 118A of the Himachal Pradesh Panchayati Raj Act, 1952 and the continuance of the said Shri Budhia Ram in the office of President, Gram Panchayat, Bharian is not considered desirable in the public interest even during the course of enquiry.

Now, therefore, I, P. C. Sharma, Director of Panchayats, Himachal Pradesh in exercise of the powers conferred upon me under section 118A of the Himachal Pradesh Panchayati Raj Act, 1952 read with notification No. Panch. 20-205/59, dated the 23rd August, 1965 of the Himachal Pradesh Government, hereby order an enquiry against the said Shri Budhia Ram, President and further place him under suspension with immediate effect.

The District Panchayat Officer, Chamba or his nominee shall conduct the enquiry. The enquiry report will be sent by the Enquiry Officer through the District Panchayat Officer, Chamba in case it is conducted by his nominee.

Simla-4, the 12th November, 1970

No. 4-G73/70-Panch(c).—Whereas a complaint has been received from the District Panchayat Officer, Mandi against Shri Thakru Ram, President, Gram Panchayat Mahog, Tehsil Karsog, District Mandi regarding the misappropriation of the cash in hand of Mahog Gram Panchayat worth Rs. 3297.00.

And whereas an enquiry is contemplated under section 118A of the Himachal Pradesh Panchayati Raj Act, 1952 and his continuance as President during the course of enquiry is considered undesirable.

Now, therefore, I, P. C. Sharma, Director of Panchayats, Himachal Pradesh in exercise of the powers conferred upon me under Section 118A of the Himachal Pradesh Panchayati Raj Act, 1952 read with notification No. Panch. 20-205/59, dated the 23rd August, 1965 of Himachal Pradesh Government, hereby order an enquiry against the said Shri Thakru Ram, President. The District Panchayat Officer, Mandi or his nominee shall conduct the enquiry within two months. He is further placed under suspension during the course of enquiry. Shri Thakru Ram, shall hand over the charge of the office of the President to the Vice-President immediately.

Simla-4, the 12th November, 1970

No. 5-G31/70-Panch(c).—Whereas a complaint has been received from the Panchayat Inspector, Tehsil Pachhad, District Sirmur, Himachal Pradesh, against Shri Lal Singh, President, Gram Panchayat, Dimber, Tehsil Pachhad, District Sirmur, Himachal Pradesh regarding the alleged mis-appropriation of grant of Rs. 1,500 received by him for the construction of School building Kotla Mangan from the Education Department during the year 1968-69.

Now, therefore, I, P. C. Sharma, Director of Panchayats, Himachal Pradesh, in exercise of the powers conferred upon me under section 118A of the Himachal Pradesh Panchayati Raj Act, 1952 read with notification No. Panch. 20-205/59, dated the 23rd August, 1965 of Himachal Pradesh Government, hereby order an enquiry, against the said Shri Lal Singh, President.

The District Panchayat Officer, or his nominee shall conduct the enquiry.

The continuance of Shri Lal Singh as President during the course of enquiry is considered undesirable and he is hereby placed under suspension with immediate effect in the public interest and should hand over complete charge of the Gram Panchayat Dimber to the Vice-President of the Gram Panchayat Dimber, immediately.

He is further directed to refund the amount of Rs. 1,500 to the Gram Panchayat, Dimber within a month and report position to this office through the District Panchayat Officer, Nahan, failing which a case will be registered against him with the police.

Simla-4, the 12th November, 1970

No. 10-G-46/68-Panch.(C).—Whereas on enquiry it was found that Shri Jeet Ram, Sarpanch, Gram Panchayat Kanair, Tehsil Kandaghat, District Simla committed irregularities in the allotment of Shamlat land and did favours to his family members in contravention of the rules and was found guilty of misconduct in the discharge of his duties.

Whereas a show cause notice for his removal from the office of

the Sarpanch Gram Panchayat, Kanair was issued to him on 30th June, 1970.

And whereas the reply received from him was examined and found unsatisfactory.

Now, therefore, I, P. C. Sharma, Director of Panchayats, Himachal Pradesh in exercise of the powers conferred upon me under section 102(2) d of the Punjab Gram Panchayat Act, 1952 read with notification No. 11503-LB-53/10558, dated the 6th May, 1954 of the Government of Punjab hereby remove the said Shri Jeet Ram from the office of the Sarpanch, Gram Panchayat, Kanair, Tehsil Kandaghat, District Simla with immediate effect as his continuance in the office in question is not considered desirable in the public interest and debar him from contesting election to any office of the Panchayat for a period of three years from the date of issue of this order.

Shri Jeet Ram, Sarpanch, should hand over the charge of Gram Panchayat money, property and records complete in all respect to the Panch authorised by the Deputy Commissioner, Simla.

P. C. SHARMA,
Director

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

I, Chuha Ram s/o Shri Janth Ram, village Raru, Post Office Kanaid, Tehsil Sundernagar, District Mandi (Himachal Pradesh) have changed my name to Shekhar Chaudhary.

CHUHA RAM,
Public Relations Department, Simla-2.

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

LAW DEPARTMENT NOTIFICATIONS

Simla-4, the 10th April, 1961

No. 1-7/760-LR.—The following Act recently passed by the Parliament of India and published in the Gazette of India, Extraordinary part II, section 1, dated 24th March, 1961 is hereby republished in the Himachal Pradesh Administration Gazette for the information of general public:—

The Banking Companies (Amendment) Act, 1961 (No. 7 of 1961).

S. R. MAHANTAN,
Under Secretary (Judicial).

Assented to on 24-3-61

THE BANKING COMPANIES (AMENDMENT) ACT, 1961
(Act No. 7 1961)

AN

ACT

further to amend the Banking Companies Act, 1949

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Banking Companies (Amendment) Act, 1961.

Section 2 to 5 Repealed vide Act No. 52 of 1964.

6. *Repeal and Saving.*—(1) The Banking Companies (Amendment) Ordinance, 1961 (2 of 1961), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 4th day of February, 1961.

Simla-4, the 6th January, 1961

No. 1-7/60-LR.—The following Acts recently passed by the Parliament of India and published in the Gazette of India, Extraordinary, part-II, section 1, dated 23rd, 24th and 26th December, 1960 respectively are hereby republished in the Himachal Pradesh Administration Rajpatra for the information of general public:—

1. The Tripura Excise Law (Repeal) Act, 1960 (No. 53 of 1960).

2. The Railway Passenger Fares (Amendment) Act, 1960
(No. 54 of 1960).

G. M. LAUL,
Under Secretary (Judicial).

Assented to on 23-12-60

THE TRIPURA EXCISE LAW (REPEAL) ACT, 1960

Act No. 53 of 1960

AN

ACT

to provide for the repeal of the Tripura Excise Act.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Tripura Excise Law (Repeal) Act, 1960.

2. *Repeal of Tripura Excise Law.*—On and from the date on which the Bengal Excise Act, 1909 (Bengal Act V of 1909) is extended by notification under section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), to the Union territory of Tripura, the Tripura Excise Act of 1296 T.E. (Abkari Ain) shall stand repealed.

3. *Savings.*—(1) The repeal of the Tripura Excise Act of 1296 T.E. (Abkari Ain) by section 2 shall not affect—

- the previous operation of the said Act or anything duly done or suffered thereunder; or
- any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; or
- any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act; or
- any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if the said Act had not been repealed.

(2) Subject to the provisions contained in sub-section (1), anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, permit, ijara or licence granted) under the Act repealed by section 2 shall be

deemed to have been done or taken under the corresponding provisions of the Act extended by notification as provided in that section to the Union territory of Tripura, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the Act last mentioned above.

Assented to on 23-12-60

THE RAILWAY PASSENGER FARES (AMENDMENT) ACT, 1960

(No. 54 of 1960)

AN
ACT

to amend the Railway Passenger Fares Act, 1957.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Railway Passenger Fares (Amendment) Act, 1960.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Substitution of the Schedule.*—In the Railway Passenger Fares Act, 1957, (25 of 1957), for the Schedule, the following Schedule shall be substituted, namely:—

“THE SCHEDULE

(See section 3)

Description of traffic	Rate of tax
1. Passengers travelling by railway on season tickets.	Nil
2. Passengers travelling by railway for distances up to 25 kilometres (inclusive).	Nil
3. Passengers travelling by railway for distances from 26 kilometres to 49 kilometres (inclusive).	5% of fare
4. Passengers travelling by railway for distances from 50 kilometres to 805 kilometres (inclusive).	15% of fare
5. Passengers travelling by railway for distances over 805 kilometres.	10% of fare
6. Passengers travelling on rail travel coupons	12½ % of the cost of the coupons.

Explanation.—For the purposes of this Schedule, distances shall be computed according to the rules for the time being in force relating thereto made under the Indian Railway Act, 1890 (9 of 1890). ”

Simla-4, the 10th April, 1961

No. 1-7/60-LR.—The following Acts recently passed by the Parliament of India and published in the Gazette of India, extraordinary part II, section I, dated 22nd March, 1961 is hereby republished in the Himachal Pradesh Administration Rajpatra for the information of general public:—

The U.P. Sugar-cane Cess (Validation) Act, 1961 (No. 4 of 1961).

S. R. MAHANTAN,
Under Secretary (Judicial).

Assented to on 21-3-61

THE U.P. SUGARCANE CESS (VALIDATION) ACT, 1961

(No. 4 of 1961)

AN
ACT

to validate the imposition and collection of cesses on sugarcane under certain Acts of Uttar Pradesh.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the U.P. Sugarcane Cess (Validation) Act, 1961.

(2) It shall be deemed to have come into force on the 3rd day of February, 1961.

2. *Definitions.*—In this Act,—

- (a) “cess” means the cess payable under any State Act and includes any sum recoverable under any such Act by way of interest or penalty;
- (b) “State Act” means any of the following Acts, namely:—

- (i) The United Provinces Sugar Factories Control Act, 1938; (U.P. Act, I of 1938).

- (ii) The U.P. Sugarcane (Regulation of supply and Purchase) Act, 1953 (U.P. Act XXIV of 1953); and
- (iii) The U.P. Sugarcane Cess Act, 1956 (U.P. Act XXII of 1956).

3. *Validation of imposition and collection of cesses under State Acts during a certain period.*—(1) Notwithstanding any judgment, decree or order of any court, all cesses imposed, assessed or collected or purporting to have been imposed, assessed or collected under any State Act during the period beginning with the 26th day of January, 1950 and ending on the 3rd day of February, 1961 shall be deemed to have been validly imposed, assessed or collected in accordance with law, as if the provisions of the State Acts and of all notifications, orders and rules issued or made thereunder, in so far as such provisions relate to the imposition, assessment and collection of such cess had been included in and formed part of this section and this section had been in force at all material times when such cess was imposed, assessed or collected; and accordingly,—

- (a) no suit or other proceeding shall be maintained or continued in any court for the refund of any cess paid under any State Act;
- (b) no court shall enforce a decree or order directing the refund of any cess paid under any State Act; and
- (c) any cess imposed or assessed under any State Act before the 3rd day of February, 1961 but not collected before that date, may be recovered (after assessment of the cess, where necessary) in the manner provided under that Act.

(2) For the removal of doubts it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person,—

- (a) from questioning in accordance with the provisions of any State Act and rules made thereunder the assessment of any cess for any period, or
- (b) from claiming refund of any cess paid by him in excess of the amount due from him under any State Act and the rules made thereunder.

4. *Repeal.*—The U.P. Sugarcane Cess (Validation) Ordinance, 1961, (1 of 1961) is hereby repealed.

Simla-4, the 11th October, 1962

No. 1-7/60-LR-II.—The following Acts recently passed by the Parliament of India and published in the Gazette of India, Extraordinary Part-II, Section 1, dated the 11th September, and 12th September, 1962 respectively are hereby republished in the Himachal Pradesh Administration Rajpatra for the information of general public:—

1. The Assam Rifles (Amendment) Act, 1962 (No. 30 of 1962).
2. The Land Acquisition (Amendment) Act, 1962 (No. 31 of 1962).

S. R. MAHANTAN,
Under Secretary (Judicial).

Assented to on 11-9-1962.

THE ASSAM RIFLES (AMENDMENT) ACT, 1962

(No. 30 of 1962)

AN
ACT

further to amend the Assam Rifles Act, 1941.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Assam Rifles (Amendment) Act, 1962.

2. *Amendment of section 1.*—In section 1 of the Assam Rifles Act, 1941 (5 of 1941) (hereinafter referred to as the principal Act), in sub-section (2) for the words “the whole of Assam”, the words “the whole of India” shall be substituted.

3. *Substitution of new sections for section 10.*—For section 10 of the principal Act, the following sections shall be substituted, namely:—

“10. *Privileges of and protection for acts done by, Commandant, Assistant Commandant, etc.*—(1) A Commandant, Assistant Commandant or Rifleman shall be entitled to all the privileges which a police officer has under section 125 of the Indian Evidence Act, 1872, (I of 1872) and any other enactment for the time being in force.

(2) In any suit or proceeding against a Commandant, Assistant Commandant or Rifleman for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(3) Any such plea may be proved by the production of the

warrant or order directing the act, and if it is so proved, the Commandant, Assistant Commandant or Rifleman, as the case may be, shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(4) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding (whether civil or criminal) which may lawfully be brought against a Commandant, Assistant Commandant or Rifleman for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the orders or rules made thereunder, shall be commenced within three months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given, where the defendant is a rifleman, to his superior officer, and in other cases, to the defendant, at least one month before the commencement of such proceeding.

10A. Powers and duties that may be conferred or imposed by the Central Government on Commandant, Assistant Commandant, etc.—(1) The Central Government may, by general or special order, confer or impose upon any Commandant, Assistant Commandant or Rifleman, any of the powers or duties conferred or imposed on a police officer of any class or grade by any law for the time being in force.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government may invest any Commandant or Assistant Commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by a rifleman and punishable under this Act or any offence committed by a rifleman against the person or property of another rifleman or of any person acting with or assisting the Assam Rifles."

Assented to on 12-9-62.

THE LAND ACQUISITION (AMENDMENT) ACT, 1962

No. 31 of 1962

AN

ACT

further to amend the Land Acquisition Act, 1894, and to validate certain acquisitions under that Act.

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. *Short title*.—This Act may be called the Land Acquisition (Amendment) Act, 1962.

2. *Amendment of section 3*.—In section 3 of the Land Acquisition Act, 1894 (1 of 1894) (hereinafter referred to as the principal Act), in clause (e), the following words shall be added at the end, namely:—

"or any other law relating to co-operative societies for the time being in force in any State."

3. *Amendment of section 40*.—In sub-section (1) of section 40 of the principal Act, after clause (a), the following clause shall be inserted, namely:—

"(aa) that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose; or"

4. *Amendment of section 41*.—In section 41, of the principal Act,—

(a) for the words "the purpose of the proposed acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public", the words, brackets, letters and figures "the proposed acquisition is for any of the purposes referred to in clause (a) or clause (aa) or clause (b) of sub-section (1) of section 40" shall be substituted;

(b) in clause (4), the word "and" occurring at the end shall be omitted, and after that clause, the following clause shall be inserted, namely:—

"(4A) where the acquisition is for the construction of any building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose, the time within which, and the conditions on which, the building or work shall be constructed or executed; and."

5. *Insertion of new sections 44A and 44B*.—In Part VII of the principal Act, after section 44, the following sections shall be inserted, namely:—

"44A. *Restriction on transfer, etc.*—No Company for which any land is acquired under this Part shall be entitled to transfer the said land or any part thereof by sale, mortgage, gift, lease or otherwise except with the previous sanction of the appropriate Government.

44B. *Land not to be acquired under this Part except for certain purpose for private companies other than Government companies*.—Notwithstanding anything contained in this Act, no land shall be acquired under this Part, except for the purpose mentioned in clause (a) of sub-section (1) of section 40, for a private company which is not a Government company.

Explanation.—"Private company" and "Government company" shall have the meanings respectively assigned to them in the Companies Act, 1956 (1 of 1956)".

6. *Amendment of section 55*.—In section 55 of the principal Act, to sub-section (1) the following provisos shall be added, namely:—

"Provided that the power to make rules for carrying out the purposes of Part VII of this Act shall be exercisable by the Central Government and such rules may be made for the guidance of the State Governments and the officers of the Central Government of and of the State Governments:

Provided further that every such rule made by the Central Government shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

7. *Validation of certain acquisitions*.—Notwithstanding any judgment, decree or order of any court, every acquisition of land for a Company made or purporting to have been made under Part VII of the principal Act before the 20th day of July, 1962, shall, in so far as such acquisition is not for any of the purposes mentioned in clause (a) or clause (b) of sub-section (1) of section 40 of the principal Act, be deemed to have been made for the purpose mentioned in clause (aa) of the said sub-section, and accordingly every such acquisition and any proceeding, order, agreement or action in connection with such acquisition shall be, and shall be deemed always to have been, as valid as if the provisions of sections 40 and 41 of the principal Act, as amended by this Act, were in force at all material times when such acquisition was made or proceeding was held or order was made or agreement was entered into or action was taken.

Explanation.—In this section "Company" has the same meaning as in clause (e) of section 3 of the principal Act, as amended by this Act.

8. *Repeal and savings*.—(1) The Land Acquisition (Amendment) Ordinance, 1962 (3 of 1962), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 20th day of July, 1962.

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं
तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

मूल्य

अनुसूचक

सूचक

PART VI

LAW DEPARTMENT NOTIFICATIONS

Simla-4, the 19th January, 1959

No. LR. 16-12/58.—The Delhi Rent Control Act, 1958 (No. 59 of 1958) recently passed by the Parliament of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 31st December, 1958 is hereby republished in the Himachal Pradesh Administration Gazette for the information of the general public.

LAKSHMAN DASS,
Under Secretary (Judicial).

THE DELHI RENT CONTROL ACT, 1958

ARRANGEMENT OF SECTIONS

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5. Unlawful charges not to be claimed or received.
6. Standard rent.
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21. Recovery of possession in case of tenancies for limited period.
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55. Special provision regarding decrees affected by the Delhi Tenants (Temporary Protection) Act, 1956.
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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

Received assent on 31-12-58

THE DELHI RENT CONTROL ACT, 1958 (59 OF 1958)

AN ACT

to provide for the control of rents and evictions and of rates of hotels and lodging houses, and for the lease of vacant premises to Government, in certain areas in the Union territory of Delhi.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Delhi Rent Control Act, 1958.

(2) It extends to the areas included within the limits of the New Delhi Municipal Committee and the Delhi Cantonment Board and to such urban areas within the limits of the Municipal Corporation of Delhi as are specified in the First Schedule:

Provided that the Central Government may, by notification in the Official Gazette, extend this Act or any provision thereof, to any other urban area included within the limits of the Municipal Corporation of Delhi or exclude any area from the operation of this Act or any provision thereof.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “basic rent”, in relation to premises let out before the 2nd day of June, 1944, means the basic rent of such premises as determined in accordance with the provisions of the Second Schedule;
- (b) “Controller” means a Controller appointed under sub-section (1) of section 35 and includes an additional Controller appointed under sub-section (2) of that section;
- (c) “fair rate” means the fair rate fixed under section 31 and includes the rate as revised under section 32;
- (d) “hotel or lodging house” means a building or part of a building where lodging with or without board or other services is provided for a monetary consideration;
- (e) “landlord” means a person who, for the time being is receiving, or is entitled to receive, the rent of any premises, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant;
- (f) “lawful increase” means an increase in rent permitted under the provisions of this Act;
- (g) “manager of a hotel” includes any person in charge of the management of the hotel;
- (h) “owner of a lodging house” means a person who receives or is entitled to receive whether on his own account or on behalf of himself and others or as an agent or a trustee for any other person, any monetary consideration from any person on account of board, lodging or other services provided in the lodging house;
- (i) “premises” means any building or part of a building which is, or is intended to be, let separately for use

as a residence or for commercial use or for any other purpose, and includes—

- (i) the garden, grounds and outhouses, if any, appertaining to such building or part of the building;
 - (ii) any furniture supplied by the landlord for use in such building or part of the building;
- but does not include a room in a hotel or lodging house;
- (j) “prescribed” means prescribed by rules made under this Act;
 - (k) “standard rent” in relation to any premises, means the standard rent referred to in section 6 or where the standard rent has been increased under section 7, such increased rent;
 - (l) “tenant” means any person by whom or on whose account or behalf the rent of any premises is, or but for a special contract would be, payable and includes a sub-tenant and also any person continuing in possession after the termination of his tenancy but shall not include any person against whom any order or decree for eviction has been made;
 - (m) “urban area” has the same meaning as in the Delhi Municipal Corporation Act, 1957 (66 of 1957).

3. *Act not to apply to certain premises.*—Nothing in this Act, shall apply—

- (a) to any premises belonging to the Government; or
- (b) to any tenancy or other like relationship created by a grant from the Government in respect of the premises taken on lease, or requisitioned, by the Government.

CHAPTER II

PROVISIONS REGARDING RENT

4. *Rent in excess if standard rent not recoverable.*—(1) Except where rent is liable to periodical increase by virtue of an agreement entered into before the 1st day of January, 1939, no tenant shall, notwithstanding any agreement to the contrary, be liable to pay to his landlord for the occupation of any premises any amount in excess of the standard rent of the premises, unless such amount is a lawful increase of the standard rent in accordance with the provisions of this Act.

(2) Subject to the provisions of sub-section (1), any agreement for the payment of rent in excess of the standard rent shall be construed as if it were an agreement for the payment of the standard rent only.

5. *Unlawful charges not to be claimed or received.*—(1) Subject to the provisions of this Act, no person shall claim or receive any rent in excess of the standard rent, notwithstanding any agreement to the contrary.

(2) No person shall, in consideration of the grant, renewal or continuance of a tenancy or sub-tenancy of any premises,—

- (a) claim or receive the payment of any sum as premium or *pugree* or claim or receive any consideration whatsoever, in cash or in kind, in addition to the rent; or
- (b) except with the previous permission of the Controller, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance.

(3) It shall not be lawful for the tenant or any other person acting or purporting to act on behalf of the tenant or a sub-tenant to claim or receive any payment in consideration of the relinquishment, transfer or assignment of his tenancy or sub-tenancy, as the case may be, of any premises.

(4) Nothing in this section shall apply—

- (a) to any payment made in pursuance of an agreement entered into before the 1st day of January, 1939; or
- (b) to any payment made under an agreement by any person to a landlord for the purpose of financing the construction of the whole or part of any premises on the land belonging to, or taken on lease by, the landlord, if one of the conditions of the agreement is that the landlord is to let to that person the whole or part of the premises when completed for the use of that person or any member of his family:

Provided that such payment does not exceed the amount of agreed rent for a period of five years of the whole or part of the premises to be let to such person.

Explanation.—For the purposes of clause (b) of this sub-section, a “member of the family” of a person means, in the case of an undivided Hindu family, any member of the family of that person and in the case of any other family, the husband, wife, son, daughter, father, mother, brother, sister or any other relative dependent on that person,

6. *Standard rent.*—(1) Subject to the provisions of sub-section (2), “standard rent”, in relation to any premises means—

(A) in the case of residential premises—

- (1) where such premises have been let out at any time before the 2nd day of June, 1944,—
 - (a) if the basic rent of such premises per annum does not exceed six hundred rupees the basic rent; or
 - (b) if the basic rent of such premises per annum exceeds six hundred rupees, the basic rent together with ten per cent of such basic rent;

(2) where such premises have been let out at any time on or after the 2nd day of June, 1944,—

- (a) in any case where the rent of such premises has been fixed under the Delhi and Ajmer-Merwara Rent Control Act, 1947 (19 of 1947), or the Delhi and Ajmer Rent Control Act, 1952 (38 of 1952),—
 - (i) if such rent per annum does not exceed twelve hundred rupees, the rent so fixed; or
 - (ii) if such rent per annum exceeds twelve hundred rupees, the rent so fixed together with ten per cent of such rent;
- (b) in any other case, the rent calculated on the basis of seven and one-half per cent per annum of the aggregate amount of the reasonable cost of construction and the market price of the land comprised in the premises on the date of the commencement of the construction:

Provided that where the rent so calculated exceeds twelve hundred rupees per annum, this clause shall have effect as if for the words “seven and one-half per cent” the words “eight and one-fourth per cent” had been substituted:

(B) in the case of premises other than residential premises—

- (1) where the premises have been let out at any time before the 2nd day of June, 1944, the basic rent of such premises together with ten per cent of such basic rent:

Provided that where the rent so calculated exceeds twelve hundred rupees per annum, this clause shall have effect as if for the words “ten per cent”, the words “fifteen per cent” had been substituted:

(2) where the premises have been let out any time on or after the 2nd day of June, 1944,—

- (a) in any case where the rent of such premises has been fixed under the Delhi and Ajmer-Merwara Rent Control Act, 1947 (19 of 1947), or the Delhi and Ajmer Rent Control Act, 1952 (38 of 1952),—
 - (i) if such rent per annum does not exceed twelve hundred rupees, the rent so fixed; or
 - (ii) if such rent per annum exceeds twelve hundred rupees, the rent so fixed together with fifteen per cent, of such rent;
- (b) in any other case, the rent calculated on the basis of seven and one-half per cent per annum of the aggregate amount of the reasonable cost of construction and the market price of the land comprised in the premises on the date of the commencement of the construction:

Provided that where the rent so calculated exceeds twelve hundred rupees per annum, this clause shall have effect as if for the words “seven and one-half per cent”, the words “eight and five-eighth per cent.” had been substituted.

(2) Notwithstanding anything contained in sub-section (1),—

- (a) in the case of any premises, whether residential or not, constructed on or after the 2nd day of June, 1951, but before the 9th day of June, 1955, the annual rent calculated with reference to the rent at which the premises were let for the month of March, 1958, or if they were not so let, with reference to the rent at which they were last let out, shall be deemed to be the standard rent for a period of seven years from the date of the completion of the construction of such premises; and
- (b) in the case of any premises, whether residential or not, constructed on or after the 9th day of June, 1955, including premises constructed after the commencement of this Act, the annual rent calculated with reference to the rent agreed upon between the landlord and the tenant when such premises were first let out shall be deemed to be the standard rent for a period of five years from the date of such letting out.

(3) For the purposes of this section, residential premises include premises let out for the purposes of a public hospital, an educational institution, a public library, reading room or an orphanage.

7. *Lawful increase of standard rent in certain cases and recovery of other charges.*—(1) Where a landlord has at any time, before the commencement of this Act with or without the approval of the tenant or after the commencement of this Act with the written approval of the tenant or of the Controller, incurred expenditure for any improvement, addition or structural alteration in the premises, not being expenditure on decoration or tenantable repairs necessary or usual for such premises, and the cost of that improvement, addition or alteration has not been taken into account in determining the rent of the premises, the landlord may lawfully increase the

standard rent per year by an amount not exceeding seven and one-half per cent of such cost.

(2) Where a landlord pays in respect of the premises any charge for electricity or water consumed in the premises or any other charge levied by a local authority having jurisdiction in the area which is ordinarily payable by the tenant, he may recover from the tenant the amount so paid by him; but the landlord shall not recover from the tenant whether by means of an increase in rent or otherwise the amount of any tax on building or land imposed in respect of the premises occupied by the tenant:

Provided that nothing in this sub-section shall affect the liability of any tenant under an agreement entered into before the 1st day of January, 1952, whether express or implied, to pay from time to time the amount of any such tax as aforesaid.

8. *Notice of increase of rent.*—(1) Where a landlord wishes to increase the rent of any premises, he shall give the tenant notice of his intention to make the increase and in so far as such increase is lawful under this Act, it shall be due and recoverable only in respect of the period of the tenancy after the expiry of thirty days from the date on which the notice is given.

(2) Every notice under sub-section (1) shall be in writing signed by or on behalf of the landlord and given in the manner provided in section 106 of the Transfer of Property Act, 1882 (4 of 1882).

9. *Controller to fix standard rent, etc.*—(1) The Controller shall, on an application made to him in this behalf, either by the landlord or by the tenant, in the prescribed manner, fix in respect of any premises—

- (i) the standard rent referred to in section 6; or
- (ii) the increase, if any, referred to in section 7.

(2) In fixing the standard rent of any premises or the lawful increase thereof, the Controller shall fix an amount which appears to him to be reasonable having regard to the provisions of section 5 or section 7 and the circumstances of the case.

(3) In fixing the standard rent of any premises part of which has been lawfully sub-let, the Controller may also fix the standard rent of the part sub-let.

(4) Where for any reason it is not possible to determine the standard rent of any premises on the principles set forth under section 6, the Controller may fix such rent as would be reasonable having regard to the situation, locality and condition of the premises and the amenities provided therein and where there are similar or nearly similar premises in the locality, having regard also to the standard rent payable in respect of such premises.

(5) The standard rent shall in all cases be fixed for a tenancy of twelve months:

Provided that where any premises are let or re-let for a period of less than twelve months, the standard rent for such tenancy shall bear the same proportion to the annual standard rent as the period of tenancy bears to twelve months.

(6) In fixing the standard rent of any premises under this section, the Controller shall fix the standard rent thereof in an unfurnished state and may also determine an additional charge to be payable on account of any fittings or furniture supplied by the landlord and it shall be lawful for the landlord to recover such additional charge from the tenant.

(7) In fixing the standard rent of any premises under this section, the Controller shall specify a date from which the standard rent so fixed shall be deemed to have effect:

Provided that in no case the date so specified shall be earlier than one year prior to the date of the filing of

the application for the fixation of the standard rent.

10. *Fixation of interim rent.*—If an application for fixing the standard rent or for determining the lawful increase of such rent is made under section 9, the Controller shall, as expeditiously as possible, make an order specifying the amount of the rent or the lawful increase to be paid by the tenant to the landlord pending final decision on the application and shall appoint the date from which the rent or lawful increase so specified shall be deemed to have effect.

11. *Limitation of liability of middlemen.*—No Collector of rent or middleman shall be liable to pay to his principal, in respect of any premises, any sum by way of rental charges which exceeds the amount which he is entitled under this Act to realise from the tenant or tenants of the premises.

12. *Limitation for application for fixation of standard rent.*—Any landlord or tenant may file an application to the Controller for fixing the standard rent of the premises or for determining the lawful increase of such rent,—

- (a) in the case of any premises which were let, or in which the cause of action for lawful increase of rent arose, before the commencement of this Act, within two years from such commencement;
- (b) in the case of any premises let after the commencement of this Act,—
 - (i) where the application is made by the landlord, within two years from the date on which the premises were let to the tenant against whom the application is made;
 - (ii) where the application is made by the tenant, within two years from the date on which the premises were let to that tenant; and
- (c) in the case of any premises in which the cause of action for lawful increase of rent arises after the commencement of this Act, within two years from the date on which the cause of action arises:

Provided that the Controller may entertain the application after the expiry of the said period of two years, if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

13. *Refund of rent, premium etc. not recoverable under the Act.*—Where any sum or other consideration has been paid, whether before or after the commencement of this Act, by or on behalf of a tenant to a landlord, in contravention of any of the provisions of this Act or of the Delhi and Ajmer Rent Control Act, 1952, (38 of 1952), the Controller may, on an application made to him within a period of one year from the date of such payment, order the landlord to refund such sum or the value of such consideration to the tenant or order adjustment of such sum or the value of such consideration against the rent payable by the tenant.

CHAPTER III

CONTROL OF EVICTION OF TENANTS

14. *Protection of tenant against eviction.*—(1) Notwithstanding anything to the contrary contained in any other law or contract, no order or decree for the recovery of possession of any premises shall be made by any court or Controller in favour of the landlord against a tenant:

Provided that the Controller may, on an application made to him in the prescribed manner, make an order for the recovery of possession of the premises on one or more of the following grounds only, namely:—

- (a) that the tenant has neither paid nor tendered the whole of the arrears of the rent legally recoverable

from him within two months of the date on which a notice of demand for the arrears of rent has been served on him by the landlord in the manner provided in section 106 of the Transfer of Property Act, 1882 (4 of 1882);

- (b) that the tenant has, on or after the 9th day of June, 1952, sub-let, assigned or otherwise parted with the possession of the whole or any part of the premises without obtaining the consent in writing of the landlord;
 - (c) that the tenant has used the premises for a purpose other than that for which they were let—
 - (i) if the premises have been let on or after the 9th day of June, 1952 without obtaining the consent in writing of the landlord; or
 - (ii) if the premises have been let before the said date without obtaining his consent;
 - (d) that the premises were let for use as a residence and neither the tenant nor any member of his family has been residing therein for a period of six months immediately before the date of the filing of the application for the recovery of possession thereof;
 - (e) that the premises let for residential purposes are required *bona fide* by the landlord for occupation as a residence for himself or for any member of his family dependent on him, if he is the owner thereof, or for any person for whose benefit the premises are held and that the landlord or such person has no other reasonably suitable residential accommodation;
- Explanation.**—For the purposes of this clause, “premises let for residential purposes” include any premises which having been let for use as a residence are, without the consent of the landlord, used incidentally for commercial or other purposes:
- (f) that the premises have become unsafe or unfit for human habitation and are required *bona fide* by the landlord for carrying out repairs which cannot be carried out without the premises being vacated;
 - (g) that the premises are required *bona fide* by the landlord for the purpose of building or re-building or making thereto any substantial additions or alterations and that such building or re-building or addition or alteration cannot be carried out without the premises being vacated;
 - (h) that the tenant has, whether before or after the commencement of this Act, built, acquired vacant possession of, or been allotted, residence;
 - (i) that the premises were let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment;
 - (j) that the tenant has, whether before or after the commencement of this Act, caused or permitted to be caused substantial damage to the premises;
 - (k) that the tenant has, notwithstanding previous notice, used or dealt with the premises in a manner contrary to any condition imposed on the landlord by the Government or the Delhi Development Authority or the Municipal Corporation of Delhi while giving him a lease of the land on which the premises are situate;
 - (l) that the landlord requires the premises in order to carry out any building work at the instance of the Government or the Delhi Development

Authority or the Municipal Corporation of Delhi in pursuance of any improvement scheme or development scheme and that such building work, cannot be carried out without the premises being vacated.

(2) No order for the recovery of possession of any premises shall be made on the ground specified in clause (a) of the proviso to sub-section (1), if the tenant makes payment or deposit as required by section 15:

Provided that no tenant shall be entitled to the benefit under this sub-section, if, having obtained such benefit once in respect of any premises, he again makes a default in the payment of rent of those premises for three consecutive months.

(3) No order for the recovery of possession in any proceeding under sub-section (1) shall be binding on any sub-tenant referred to in section 17 who has given notice of his sub-tenancy to the landlord under the provisions of that section, unless the sub-tenant is made a party to the proceeding and the order for eviction is made binding on him.

(4) For the purposes of clause (b) of the proviso to sub-section (1), any premises which have been let for being used for the purposes of business or profession, shall be deemed to have been sublet by the tenant, if the Controller is satisfied that the tenant without obtaining the consent in writing of the landlord has, after the 16th day of August, 1958, allowed any person to occupy the whole or any part of the premises ostensibly on the ground that such person is a partner of the tenant in the business or profession but really for the purpose of sub-letting such premises to that person.

(5) No application for the recovery of possession of any premises shall lie under sub-section (1) on the ground specified in clause (c) of the proviso thereto, unless the landlord has given to the tenant a notice in the prescribed manner requiring him to stop the misuse of the premises and the tenant has refused or failed to comply with such requirement within one month of the date of service of the notice; and no order for eviction against the tenant shall be made in such case, unless the Controller is satisfied that the misuse of the premises is of such a nature that it is a public nuisance or that it causes damage to the premises or is otherwise detrimental to the interests of the landlord.

(6) Where a landlord has acquired any premises by transfer, no application for the recovery of possession of such premises shall lie under sub-section (1) on the ground specified in clause (e) of the proviso thereto, unless a period of five years has elapsed from the date of the acquisition.

(7) Where an order for the recovery of possession of any premises is made on the ground specified in clause (e) of the proviso to sub-section (1), the landlord shall not be entitled to obtain possession thereof before the expiration of a period of six months from the date of the order.

(8) No order for the recovery of possession of any premises shall be made on the ground specified in clause (g) of the proviso to sub-section (1), unless the Controller is satisfied that the proposed reconstruction will not radically alter the purpose for which the premises were let or that such radical alteration is in the public interest and that the plans and estimates of such reconstruction have been properly prepared and that necessary funds for the purpose are available with the landlord.

(9) No order for the recovery of possession of any premises shall be made on the ground specified in clause (i) of the proviso to sub-section (1), if the Controller is of opinion that there is any *bona fide* dispute as to whether

the tenant has ceased to be in the service or employment of the landlord.

(10) No order for the recovery of possession of any premises shall be made on the ground specified in clause (j) of the proviso to sub-section (1), if the tenant, within such time as may be specified in this behalf by the Controller, carries out repairs to the damage caused to the satisfaction of the Controller or pays to the landlord such an amount by way of compensation as the Controller may direct.

(11) No order for the recovery of possession of any premises shall be made on the ground specified in clause (k) of the proviso to sub-section (1), if the tenant within such time as may be specified in this behalf by the Controller, complies with the condition imposed on the landlord by any of the authorities referred to in that clause or pays to that authority such amount by way of compensation as the Controller may direct.

15. When a tenant can get the benefit of protection against eviction.—(1) In every proceeding for the recovery of possession of any premises on the ground specified in clause (a) of the proviso to sub-section (1) of section 14, the Controller shall, after giving the parties an opportunity of being heard, make an order directing the tenant to pay to the landlord or deposit with the Controller within one month of the date of the order, an amount calculated at the rate of rent at which it was last paid for the period for which the arrears of the rent were legally recoverable from the tenant including the period subsequent thereto up to the end of the months previous to that in which payment or deposit is made and to continue to pay or deposit, month by month, by the fifteenth of each succeeding month, a sum equivalent to the rent at the rate.

(2) If, in any proceeding for the recovery of possession of any premises on any ground other than that referred to in sub-section (1), the tenant contests the claim for eviction, the landlord may, at any stage of the proceeding, make an application to the Controller for an order on the tenant to pay to the landlord the amount of rent legally recoverable from the tenant and the Controller may, after giving the parties an opportunity of being heard, make an order, in accordance with the provisions of the said sub-section.

(3) If, in any proceeding referred to in sub-section (1) or sub-section (2), there is any dispute as to the amount of rent payable by the tenant, the Controller shall, within fifteen days of the date of the first hearing of the proceeding, fix an interim rent in relation to the premises to be paid or deposited in accordance with the provisions of sub-section (1) or sub-section (2), as the case may be, until the standard rent in relation thereto is fixed having regard to the provisions of this Act, and the amount of arrears, if any, calculated on the basis of the standard rent shall be paid or deposited by the tenant within one month of the date on which the standard rent is fixed or such further time as the Controller may allow in this behalf.

(4) If, in any proceeding referred to in sub-section (1) or sub-section (2), there is any dispute as to the person or persons to whom the rent is payable, the Controller may direct the tenant to deposit with the Controller the amount payable by him under sub-section (1) or sub-section (2) or sub-section (3), as the case may be, and in such a case, no person shall be entitled to withdraw the amount in deposit until the Controller decides the dispute and makes an order for payment of the same.

(5) If the Controller is satisfied that any dispute referred to in sub-section (4) has been raised by a tenant for reasons which are false or frivolous, the Controller may order

the defence against eviction to be struck out and proceed with the hearing of the application.

(6) If a tenant makes payment or deposit as required by sub-section (1) or sub-section (3), no order shall be made for the recovery of possession on the ground of default in the payment of rent by the tenant, but the Controller may allow such costs as he may deem fit to the landlord.

(7) If a tenant fails to make payment or deposit as required by this section, the Controller may order the defence against eviction to be struck out and proceed with the hearing of the application.

16. Restrictions on sub-letting.—(1) Where at any time before the 9th day of June, 1952, a tenant has sub-let the whole or any part of the premises and the sub-tenant is, at the commencement of this Act, in occupation of such premises, then, notwithstanding that the consent of the landlord was not obtained for such sub-letting, the premises shall be deemed to have been lawfully sub-let.

(2) No premises which have been sub-let either in whole or in part on or after the 9th day of June, 1952, without obtaining the consent in writing of the landlord, shall be deemed to have been lawfully sub-let.

(3) After the commencement of this Act, no tenant shall, without the previous consent in writing of the landlord,—

(a) sub-let the whole or any part of the premises held by him as a tenant; or

(b) transfer or assign his rights in the tenancy or in any part thereof.

(4) No landlord shall claim or receive the payment of any sum as premium or *pugree* or claim or receive any consideration whatsoever in cash or in kind for giving his consent to the sub-letting of the whole or any part of the premises held by the tenant.

17. Notice of creation and termination of sub-tenancy.—(1) Where, after the commencement of this Act, any premises are sub-let either in whole or in part by the tenant with the previous consent in writing of the landlord, the tenant or the sub-tenant to whom the premises are sub-let may, in the prescribed manner, give notice to the landlord of the creation of the sub-tenancy within one month of the date of such sub-letting and notify the termination of such sub-tenancy within one month of such termination.

(2) Where, before the commencement of this Act, any premises have been lawfully sub-let either in whole or in part by the tenant, the tenant or the sub-tenant to whom the premises have been sub-let may, in the prescribed manner, give notice to the landlord of the creation of the sub-tenancy within six months of the commencement of this Act, and notify the termination of such sub-tenancy within one month of such termination.

(3) Where in any case mentioned in sub-section (2), the landlord contests that the premises were not lawfully sub-let, and an application is made to the Controller in this behalf, either by the landlord or by the sub-tenant, within two months of the date of the receipt of the notice of sub-letting by the landlord or the issue of the notice by the tenant or the sub-tenant, as the case may be, the Controller shall decide the dispute.

18. Sub-tenant to be tenant in certain cases.—(1) Where an order for eviction in respect of any premises is made under section 14 against a tenant but not against a sub-tenant referred to in section 17 and a notice of the sub-tenancy has been given to the landlord, the sub-tenant shall, with effect from the date of the order, be deemed to become a tenant holding directly under the landlord

in respect of the premises in his occupation on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.

(2) Where, before the commencement of this Act, the interest of a tenant in respect of any premises has been determined without determining the interest of any sub-tenant to whom the premises either in whole or in part had been lawfully sub-let, the sub-tenant shall, with effect from the date of the commencement of this Act, be deemed to have become a tenant holding directly under the landlord on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.

19. Recovery of possession for occupation and re-entry.—(1) Where a landlord recovers possession of any premises from the tenant in pursuance of an order made under clause (e) of the proviso to sub-section (1) of section 14, the landlord shall not, except with the permission of the Controller obtained in the prescribed manner, re-let the whole or any part of the premises within three years from the date of obtaining such possession, and in granting such permission, the Controller may direct the landlord to put such evicted tenant in possession of the premises.

(2) Where a landlord recovers possession of any premises as aforesaid and the premises are not occupied by the landlord or by the person for whose benefit the premises are held, within two months of obtaining such possession, or the premises having been so occupied are, at any time within three years from the date of obtaining possession, re-let to any person other than the evicted tenant without obtaining the permission of the Controller under sub-section (1) or the possession of such premises is transferred to another person for reasons which do not appear to the Controller to be *bona fide*, the Controller may, on an application made to him in this behalf by such evicted tenant within such time as may be prescribed, direct the landlord to put the tenant in possession of the premises or to pay him such compensation as the Controller thinks fit.

20. Recovery of possession for repairs and re-building and re-entry.—(1) In making any order on the grounds specified in clause (f) or clause (g) of the proviso to sub-section (1) of section 14, the Controller shall ascertain from the tenant whether he elects to be placed in occupation of the premises or part thereof from which he is to be evicted and if the tenant so elects, shall record the fact of the election in the order and specify therein the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs or building or re-building, as the case may be.

(2) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of the work of repairs or building or re-building place the tenant in occupation of the premises or part thereof.

(3) If, after the tenant has delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs or building or re-building within one month of the specified date or fails to complete the work in a reasonable time or having completed the work, fails to place the tenant in occupation of the premises in accordance with sub-section (2), the Controller may, on an application made to him in this behalf by the tenant within such time as may be prescribed, order the landlord to place the tenant in occupation of the premises or part thereof or to pay to the tenant such compensation as the Controller thinks fit.

21. Recovery of possession in case of tenancies for limited period.—Where a landlord does not require the

whole or any part of any premises for a particular period, and the landlord, after obtaining the permission of the Controller in the prescribed manner, lets the whole of the premises or part thereof as a residence for such period as may be agreed to in writing between the landlord and the tenant and the tenant does not, on the expiry of the said period, vacate such premises, then, notwithstanding anything contained in section 14 or in any other law, the Controller may, on an application made to him in this behalf by the landlord within such time as may be prescribed, place the landlord in vacant possession of the premise or part thereof by evicting the tenant and every other person who may be in occupation of such premises.

22. Special provision for recovery of possession in certain cases.—Where the landlord in respect of any premise is any company or other body corporate or any local authority or any public institution and the premises are required for the use of employees of such landlord or in the case of a public institution, for the furtherance of its activities, then, notwithstanding anything contained in section 14 or in any other law, the Controller may, on an application made to him in this behalf by such landlord, place the landlord in vacant possession of such premises by evicting the tenant and every other person who may be in occupation thereof, if the Controller is satisfied—

- (a) that the tenant to whom such premises were let for use as a residence at a time when he was in the service or employment of the landlord, has ceased to be in such service or employment; or
- (b) that the tenant has acted in contravention of the terms, express or implied, under which he was authorised to occupy such premises; or
- (c) that any other person is in unauthorised occupation of such premises; or
- (d) that the premises are required *bona fide* by the public institution for the furtherance of its activities.

Explanation.—For the purposes of this section, “public institution” includes any educational institution, library, hospital and charitable dispensary.

23. Permission to construct additional structures.—Where the landlord proposes to make any improvement in, or construct any additional structure on, any building which has been let to a tenant and the tenant refuses to allow the landlord to make such improvement or construct such additional structure and the Controller, on an application made to him in this behalf by the landlord, is satisfied that the landlord is ready and willing to commence the work and that such work will not cause any undue hardship to the tenant, the Controller may permit the landlord to do such work and may make such other order as he thinks fit in the circumstances of the case.

24. Special provision regarding vacant building sites.—Notwithstanding anything contained in section 14, where any premises which have been let comprise vacant land upon which it is permissible under the building regulations or municipal byelaws, for the time being in force, to erect any building, whether for use as a residence or for any other purpose and the landlord proposing to erect such building is unable to obtain possession of the land from the tenant by agreement with him and the Controller, on an application made to him in this behalf by the landlord, is satisfied that the landlord is ready and willing to commence the work and that the severance of the vacant land from the rest of the premises will not cause undue hardship to the tenant, the Controller may—

- (a) direct such severance;

- (b) place the landlord in possession of the vacant land;
- (c) determine the rent payable by the tenant in respect of the rest of the premises; and
- (d) make such other order as he thinks fit in the circumstances of the case.

25. *Vacant possession to landlord.*—Notwithstanding anything contained in any other law, where the interest of a tenant in any premises is determined for any reason whatsoever and any order is made by the Controller under this Act for the recovery of possession of such premises, the order shall, subject to the provisions of section 18, be binding on all persons who may be in occupation of the premises and vacant possession thereof shall be given to the landlord by evicting all such persons therefrom:

Provided that nothing in this section shall apply to any person who has an independent title to such premises.

CHAPTER IV

DEPOSIT OF RENT

26. *Receipt to be given for rent paid.*—(1) Every tenant shall pay rent within the time fixed by contract or in the absence of such contract, by the fifteenth day of the month next following the month for which it is payable.

(2) Every tenant who makes a payment of rent to his landlord shall be entitled to obtain forthwith from the landlord or his authorised agent a written receipt for the amount paid to him, signed by the landlord or his authorised agent.

(3) If the landlord or his authorised agent refuses or neglects to deliver to the tenant a receipt referred to in sub-section (2), the Controller may, on an application made to him in this behalf by the tenant within two months from the date of payment and after hearing the landlord or his authorised agent, by order direct the landlord or his authorised agent to pay to the tenant, by way of damages, such sum not exceeding double the amount of rent paid by the tenant and the costs of the application and shall also grant a certificate to the tenant in respect of the rent paid.

27. *Deposit of rent by the tenant.*—(1) Where the landlord does not accept any rent tendered by the tenant within the time referred to in section 26 or refuses or neglects to deliver a receipt referred to therein or where there is a *bona fide* doubt as to the person or persons to whom the rent is payable, the tenant may deposit such rent with the Controller in the prescribed manner.

(2) The deposit shall be accompanied by an application by the tenant containing the following particulars, namely:—

- (a) the premises for which the rent is deposited with a description sufficient for identifying the premises;
- (b) the period for which the rent is deposited;
- (c) the name and address of the landlord or the person or persons claiming to be entitled to such rent;
- (d) the reasons and circumstances for which the application for depositing the rent is made;
- (e) such other particulars as may be prescribed.

(3) On such deposit of the rent being made, the Controller shall send in the prescribed manner a copy or copies of the application to the landlord or persons claiming to be entitled to the rent with an endorsement of the date of the deposit.

(4) If an application is made for the withdrawal of any deposit of rent, the Controller shall, if satisfied that the applicant is the person entitled to receive the rent deposited, order the amount of the rent to be paid to him in the manner prescribed:

Provided that no order for payment of any deposit of rent shall be made by the Controller under this sub-section without giving all persons named by the tenant in his application under sub-section (2) as claiming to be entitled to payment of such rent an opportunity of being heard and such order shall be without prejudice to the rights of such persons to receive such rent being decided by a court of competent jurisdiction

(5) If at the time of filing the application under sub-section (4), but not after the expiry of thirty days from receiving the notice of deposit, the landlord or the person or persons claiming to be entitled to the rent complains or complain to the Controller that the statements in the tenant's application of the reasons and circumstances which led him to deposit the rent are untrue, the Controller after giving the tenant an opportunity of being heard, may levy on the tenant a fine which may extend to an amount equal to two months' rent, if the Controller is satisfied that the said statements were materially untrue and may order that a sum out of the fine realised be paid to the landlord as compensation.

(6) The Controller may, on the complaint of the tenant and after giving an opportunity to the landlord of being heard, levy on the landlord a fine which may extend to an amount equal to two months' rent, if the Controller is satisfied that the landlord, without any reasonable cause, refused to accept rent though tendered to him within the time referred to in section 26 and may further order that a sum out of the fine realised be paid to the tenant as compensation.

28. *Time limit for making deposit and consequences of incorrect particulars in application for deposit.*—(1) No rent deposited under section 27 shall be considered to have been validly deposited under that section, unless the deposit is made within twenty-one days of the time referred to in section 26 for payment of the rent.

(2) No such deposit shall be considered to have been validly made, if the tenant wilfully makes any false statement in his application for depositing the rent, unless the landlord has withdrawn the amount deposited before the date of filing an application for the recovery of possession of the premises from the tenant.

(3) If the rent is deposited within the time mentioned in sub-section (1) and does not cease to be a valid deposit for the reasons mentioned in sub-section (2), the deposit shall constitute payment of rent to the landlord, as if the amount deposited had been validly tendered.

29. *Saving as to acceptance of rent and forfeiture of rent in deposit.*—(1) The withdrawal of rent deposited under section 27 in the manner provided therein shall not operate as an admission against the person withdrawing it of the correctness of the rate of rent, the period of default, the amount due, or of any other facts stated in the tenant's application for depositing the rent under the said section.

(2) Any rent in deposit which is not withdrawn by the landlord or by the person or persons entitled to receive such rent shall be forfeited to Government by an order made by the Controller, if it is not withdrawn before the expiration of five years from the date of posting of the notice of deposit.

(3) Before passing an order of forfeiture, the Controller shall give notice to the landlord or the person or persons entitled to receive the rent in deposit by registered post at the last known address of such landlord or person or persons and shall also publish the notice in his office and in any local newspaper

CHAPTER V

HOTELS AND LODGING HOUSES

30. Application of the Chapter.—The provisions of this Chapter shall apply to all hotels and lodging houses in the areas which, immediately before the 7th day of April, 1958, were included in the New Delhi Municipal Committee, Municipal Committee, Delhi and the Notified Area Committee, Civil Station, Delhi and may be applied by the Central Government, by notification in the Official Gazette, to hotels and lodging houses within the limits of such other urban area of the Municipal Corporation of Delhi as may be specified in the notification:

Provided that if the Central Government is of opinion that it would not be desirable in the public interest to make the provisions of this Chapter applicable to any class of hotels or lodging houses, it may, by notification in the Official Gazette, exempt such class of hotels or lodging houses from the operation of this Chapter.

31. Fixing of fair rate.—(1) Where the Controller, on a written complaint or otherwise, has reason to believe that the charges made for board or lodging or any other service provided in any hotel or lodging house are excessive, he may fix a fair rate to be charged for board, lodging or other services provided in the hotel or lodging house and in fixing such fair rate, specify separately the rate for lodging, board or other services.

(2) In determining the fair rate under sub-section (1), the Controller shall have regard to the circumstances of the case and to the prevailing rate of charges for the same or similar accommodation, board and service, during the twelve months immediately preceding the 1st day of June, 1951, and to any general increase in the cost of living after that date.

32. Revision of fair rate.—On a written application from the manager of a hotel or the owner of a lodging house or otherwise, the Controller may, from time to time, revise the fair rate to be charged for board, lodging or other service in a hotel or lodging house, and fix such rate as he may deem fit having regard to any general rise or fall in the cost of living which may have occurred after the fixing of fair rate.

33. Charges in excess of fair rate not recoverable.—When the Controller has determined the fair rate of charges in respect of a hotel or lodging house,—

- (a) the manager of the hotel or the owner of the lodging house, as the case may be, shall not charge any amount in excess of the fair rate and shall not, except with the previous written permission of the Controller, withdraw from the lodger any concession or service allowed at the time when the Controller determined the fair rate;
- (b) any agreement for the payment of any charges in excess of such fair rate shall be void in respect of such excess and shall be construed as if it were an agreement for payment of the said fair rate;
- (c) any sum paid by a lodger in excess of the fair rate shall be recoverable by him at any time within a period of six months from the date of the payment from the manager of the hotel or the owner of the lodging house or his legal representatives and may without prejudice to any other mode of recovery be deducted by such lodger from any amount payable by him to such manager or owner.

34. Recovery of possession by manager of a hotel or the owner of a lodging house.—Notwithstanding anything contained in this Act, the manager of a hotel or the owner of a lodging house shall be entitled to recover possession of the accommodation provided by him to a lodger on

obtaining a certificate from the Controller certifying—

- (a) that the lodger has been guilty of conduct which is a nuisance or which causes annoyance to any adjoining or neighbouring lodger;

Explanation.—For the purposes of this clause, “nuisance” shall be deemed to include any act which constitutes an offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956);

- (b) that the accommodation is reasonably and *bona fide* required by the owner of the hotel or lodging house, as the case may be, either for his own occupation or for the occupation of any person for whose benefit the accommodation is held, or any other cause which may be deemed satisfactory to the Controller;
- (c) that the lodger has failed to vacate the accommodation on the termination of the period of the agreement in respect thereof;
- (d) that the lodger has done any act which is inconsistent with the purpose for which the accommodation was given to him or which is likely to affect adversely or substantially the owner's interest therein;
- (e) that the lodger has failed to pay the rent due from him.

CHAPTER VI

APPOINTMENT OF CONTROLLERS AND THEIR POWERS AND FUNCTIONS AND APPEALS

35. Appointment of Controllers and additional Controllers.—(1) The Central Government may, by notification in the Official Gazette, appoint as many Controllers as it thinks fit, and define the local limits within which, or the hotels and lodging houses in respect of which, each Controller shall exercise the powers conferred, and perform the duties imposed, on Controllers by or under this Act.

(2) The Central Government may also, by notification in the Official Gazette, appoint as many additional Controllers as it thinks fit and an additional Controller shall perform such of the functions of the Controller as may, subject to the control of the Central Government, be assigned to him in writing by the Controller and in the discharge of these functions, an additional Controller shall have and shall exercise the same powers and discharge the same duties as the Controller.

(3) A person shall not be qualified for appointment as a Controller or an additional Controller, unless he has for at least five years held a judicial office in India or has for at least seven years been practising as an advocate or a pleader in India.

36. Powers of Controller.—(1) The Controller may—

- (a) transfer any proceeding pending before him for disposal to any additional Controller; or
- (b) withdraw any proceeding pending before any additional Controller and dispose it of himself or transfer the proceeding for disposal to any other additional Controller;

(2) The Controller shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;

(c) issuing commissions for the examination of witnesses;

(d) any other matter which may be prescribed;

and any proceeding before the Controller shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code (45 of 1860), and the Controller shall be deemed to be a civil court within the meaning of section 480 and section 482 of the Code of Criminal Procedure, 1898 (5 of 1898).

(3) For the purposes of holding any inquiry or discharging any duty under this Act, the Controller may,—

(a) after giving not less than twenty-four hours' notice in writing, enter and inspect or authorise any officer subordinate to him to enter and inspect any premises at any time between sunrise and sunset; or

(b) by written order, require any person to produce for his inspection all such accounts, books or other documents relevant to the inquiry at such time and at such place as may be specified in the order.

(4) The Controller may, if he thinks fit, appoint one or more persons having special knowledge of the matter under consideration as an assessor or assessors to advise him in the proceeding before him.

37. Procedure to be followed by Controller.—(1) No order which prejudicially affects any person shall be made by the Controller under this Act without giving him a reasonable opportunity of showing cause against the order proposed to be made and until his objections, if any, and any evidence he may produce in support of the same have been considered by the Controller.

(2) Subject to any rules that may be made under this Act, the Controller shall, while holding an inquiry in any proceeding before him, follow as far as may be the practice and procedure of a court of small causes, including the recording of evidence.

(3) In all proceedings before him, the Controller shall consider the question of costs and award such costs to or against any party as the Controller considers reasonable.

38. Appeal to the Tribunal.—(1) An appeal shall lie from every order of the Controller made under this Act to the Rent Control Tribunal (hereinafter referred to as the Tribunal) consisting of one person only to be appointed by the Central Government by notification in the Official Gazette.

(2) An appeal under sub-section (1) shall be preferred within thirty days from the date of the order made by the Controller:

Provided that the Tribunal may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) The Tribunal shall have all the powers vested in a court under the Code of Civil Procedure, 1908 (5 of 1908), when hearing an appeal.

(4) Without prejudice to the provisions of sub-section (3), the Tribunal may, on an application made to it or otherwise, by order transfer any proceeding pending before any Controller or additional Controller to another Controller or additional Controller and the Controller or additional Controller to whom the proceeding is so transferred may, subject to any special directions in the order of transfer, dispose of the proceeding.

(5) A person shall not be qualified for appointment to the Tribunal, unless he is, or has been, a district judge or has for at least ten years held a judicial office

in India.

39. Second appeal.—(1) Subject to the provisions of sub-section (2), an appeal shall lie to the High Court from an order made by the Tribunal within sixty days from the date of such order:

Provided that the High Court may entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal shall lie under sub-section (1), unless the appeal involves some substantial question of law.

40. Amendment of orders.—Clerical or arithmetical mistakes in any order passed by a Controller or the Tribunal or errors arising therein, from any accidental slip or omission may, at any time, be corrected by the Controller or the Tribunal on an application received in this behalf from any of the parties or otherwise.

41. Controller to exercise powers of a magistrate for recovery of fine.—Any fine imposed by a Controller under this Act shall be paid by the person fined within such time as may be allowed by the Controller and the Controller may, for good and sufficient reason, extend the time, and in default of such payment, the amount shall be recoverable as a fine under the provisions of the Code of Criminal Procedure, 1898 (5 of 1898), and the Controller shall be deemed to be a magistrate under the said Code for the purposes of such recovery.

42. Controller to exercise powers of civil court for execution of other orders.—Save as otherwise provided in section 41, an order made by the Controller or an order passed on appeal under this Act shall be executable by the Controller as a decree of a civil court and for this purpose, the Controller shall have all the powers of a civil court.

43. Finality of order.—Save as otherwise expressly provided in this Act, every order made by the Controller or an order passed on appeal under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.

CHAPTER VII

PROVISIONS REGARDING SPECIAL OBLIGATIONS OF LANDLORDS AND PENALTIES

44. Landlord's duty to keep the premises in good repair.—(1) Every landlord shall be bound to keep the premises in good and tenantable repairs.

(2) If the landlord neglects or fails to make, within a reasonable time after notice in writing, any repairs which he is bound to make under sub-section (1), the tenant may make the same himself and deduct the expenses of such repairs from the rent or otherwise recover them from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

(3) Where any repairs without which the premises are not habitable or useable except with undue inconvenience are to be made and the landlord neglects or fails to make them after notice in writing, the tenant may apply to the Controller for permission to make such repairs himself and may submit to the Controller an estimate of the cost of such repairs, and, thereupon, the Controller may, after giving the landlord an opportunity of being heard and after considering such estimate of the cost and making such inquiries as he may consider necessary, by an order in writing, permit the tenant to make such repairs at such cost as may be specified in the order and it shall thereafter be lawful for the tenant to make such repairs

himself and to deduct the cost thereof, which shall in no case exceed the amount so specified, from the rent or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-half of the rent payable by the tenant for that year:

Provided further that if any repairs not covered by the said amount are necessary in the opinion of the Controller, and the tenant agrees to bear the excess cost himself, the Controller may permit the tenant to make such repairs.

45. Cutting off or withholding essential supply or service.—(1) No landlord either himself or through any person purporting to act on his behalf shall without just and sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant in respect of the premises let to him.

(2) If a landlord contravenes the provisions of sub-section (1), the tenant may make an application to the Controller complaining of such contravention.

(3) If the Controller is satisfied that the essential supply or service was cut off or withheld by the landlord with a view to compel the tenant to vacate the premises or to pay an enhanced rent, the Controller may pass an order directing the landlord to restore the amenities immediately, pending the inquiry referred to in sub-section (4).

Explanation.—An interim order may be passed under this sub-section without giving notice to the landlord.

(4) If the Controller on inquiry finds that the essential supply or service enjoyed by the tenant in respect of the premises was cut off or withheld by the landlord without just and sufficient cause, he shall make an order directing the landlord to restore such supply or service.

(5) The Controller may in his discretion direct that compensation not exceeding fifty rupees—

(a) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously;

(b) be paid to the tenant by the landlord, if the landlord had cut off or withheld the supply or service without just and sufficient cause.

Explanation I.—In this section, “essential supply or service” includes supply of water, electricity, lights in passages and on staircases, conservancy and sanitary services.

Explanation II.—For the purposes of this section, withholding any essential supply or service shall include acts or omissions attributable to the landlord on account of which the essential supply or service is cut off by the local authority or any other competent authority.

46. Landlord's duty to give notice of new construction to Government.—Whenever, after the commencement of this Act, any premises are constructed, the landlord shall, within thirty days of the completion of such construction, give intimation thereof in writing to the Estate Officer to the Government of India or to such other officer as may be specified in this behalf by the Government.

47. Leases of vacant premises to Government.—(1) The provisions of this section shall apply only in relation to premises in the areas which, immediately before the 7th day of April, 1958, were included in the New Delhi Municipal Committee and which are, or are intended to be, let for use as a residence.

(2) Whenever any premises the standard rent of which is not less than two thousand and four hundred rupees per year becomes vacant either by the landlord ceasing to occupy the premises or by the termination of a tenancy or by the eviction of a tenant or by the release of the

premises from requisition or otherwise,—

(a) the landlord shall, within seven days of the premises becoming vacant, give intimation thereof in writing to the Estate Officer to the Government of India;

(b) whether or not such intimation is given, the Estate Officer may serve on the landlord by post or otherwise a notice—

(i) informing him that the premises are required by the Government for such period as may be specified in the notice; and

(ii) requiring him, and every person claiming under him, to deliver possession of the premises forthwith to such officer or person as may be specified in the notice:

Provided that where the landlord has given the intimation required by clause (a), no notice shall be issued by the Estate Officer under clause (b) more than seven days after the delivery to him of the intimation:

Provided further that nothing in this sub-section shall apply in respect of any premises the possession of which has been obtained by the landlord on the basis of any order made on the ground set forth in clause (e) of the proviso to sub-section (1) of section 14 or in respect of any premises which have been released from requisition for the use and occupation of the landlord himself.

(3) Upon the service of a notice under clause (b) of sub-section (2), the premises shall be deemed to have been leased to the Government for the period specified in the notice, as from the date of the delivery of the intimation under clause (a) of sub-section (2) or in a case where no such intimation has been given, as from the date on which possession of the premises is delivered in pursuance of the notice, and the other terms of the lease shall be such as may be agreed upon between the Government and the landlord or in default of agreement, as may be determined by the Controller, in accordance with the provisions of this Act.

(4) In every case where the landlord has in accordance with the provisions of sub-section (2) given intimation of any premises becoming vacant and the premises are not taken on lease by the Government under this section, the Government shall pay to the landlord a sum equal to one-fifty-second of the standard rent per year of the premises.

(5) Any premises taken on lease by the Government under this section may be put to any such use as the Government thinks fit, and in particular, the Government may permit the use of the premises for the purposes of any public institution or any foreign embassy, legation or consulate or any High Commissioner or Trade Commissioner, or as a residence by any officer in the service of the Government or of a foreign embassy, legation or consulate or of a High Commissioner or Trade Commissioner.

48. Penalties.—(1) If any person contravenes any of the provisions of section 5, he shall be punishable—

(a) in the case of a contravention of the provisions of sub-section (1) of section 5, with simple imprisonment for a term which may extend to three months, or with fine which may extend to a sum which exceeds the unlawful charge claimed or received under that sub-section by one thousand rupees, or with both;

(b) in the case of a contravention of the provisions of sub-section (2) or sub-section (3) of section 5, with simple imprisonment for a term which may extend to six months, or with fine which may extend to a sum which exceeds the amount or value

of unlawful charge claimed or received under the said sub-section (2) or sub-section (3), as the case may be, by five thousand rupees, or with both.

(2) If any tenant sub-lets, assigns or otherwise parts with the possession of the whole or part of any premises in contravention of the provisions of clause (b) of the proviso to sub-section (1) of section 14, he shall be punishable with fine which may extend to one thousand rupees.

(3) If any landlord re-lets or transfers the whole or any part of any premises in contravention of the provisions of sub-section (1) or sub-section (2) of section 19, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) If any landlord contravenes the provisions of sub-section (1) of section 45, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(5) If any landlord fails to comply with the provisions of section 46 he shall be punishable with fine which may extend to one hundred rupees.

(6) If any person contravenes the provisions of clause (a) of sub-section (2) of section 47, or fails to comply with a requirement under clause (b) thereof, he shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

49. Cognizance of offences.—(1) No court inferior to that of a magistrate of the first class shall try any offence punishable under this Act.

(2) No court shall take cognizance of an offence punishable under this Act, unless the complaint in respect of the offence has been made within three months from the date of the commission of the offence.

(3) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (5 of 1898), it shall be lawful for any magistrate of the first class to pass a sentence of fine exceeding two thousand rupees on a person convicted of an offence punishable under this Act.

CHAPTER VIII MISCELLANEOUS

50. Jurisdiction of civil courts barred in respect of certain matters.—(1) Save as otherwise expressly provided in this Act, no civil court shall entertain any suit or proceeding in so far as it relates to the fixation of standard rent in relation to any premises to which this Act applies or to eviction of any tenant therefrom or to any other matter which the Controller is empowered by or under this Act to decide, and no injunction in respect of any action taken or to be taken by the Controller under this Act shall be granted by any civil court or other authority.

(2) If, immediately before the commencement of this Act, there is any suit or proceeding pending in any civil court for the eviction of any tenant from any premises to which this Act applies and the construction of which has been completed after the 1st day of June, 1951, but before the 9th day of June, 1955, such suit or proceeding shall, on such commencement, abate.

(3) If, in pursuance of any decree or order made by a court, any tenant has been evicted after the 16th day of August, 1958, from any premises to which this Act applies and the construction of which has been completed after the 1st day of June, 1951, but before the 9th day of June, 1955, then, notwithstanding anything contained in any other law, the Controller may, on an application

made to him in this behalf by such evicted tenant within six months from the date of eviction, direct the landlord to put the tenant in possession of the premises or to pay him such compensation as the Controller thinks fit.

(4) Nothing in sub-section (1) shall be construed as preventing a civil court from entertaining any suit or proceeding for the decision of any question of title to any premises to which this Act applies or any question as to the person or persons who are entitled to receive the rent of such premises.

51. Controllers to be public servants.—All Controllers and additional Controllers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

52. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any Controller or additional Controller in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

Section 53—Repealed vide Act 53 of 1960.

54. Saving of operation of Certain enactments.—Nothing in this Act shall affect the provisions of the Administration of Evacuee Property Act, 1950 (31 of 1950), or the Slum Areas (Improvement and Clearance) Act, 1956 (96 of 1956) or the Delhi Tenants (Temporary Protection) Act, 1956 (97 of 1956).

55. Special provision regarding decrees affected by the Delhi Tenants (Temporary Protection) Act, 1956.—Where any decree or order for the recovery of possession of any premises to which the Delhi Tenants (Temporary Protection) Act, 1956 (97 of 1956), applies is sought to be executed on the cesser of operation of that Act in relation to those premises, the court executing the decree or order may, on the application of the person against whom the decree or order has been passed or otherwise, reopen the case and if it is satisfied that the decree or order could not have been passed if this Act had been in force on the date of the decree or order, the court may, having regard to the provisions of this Act, set aside the decree or order or pass such other order in relation thereto as it thinks fit.

56. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which, and the period within which, an application may be made to the Controller;

(b) the form and manner in which an application for deposit of rent may be made and the particulars which it may contain;

(c) the manner in which a Controller may hold an inquiry under this Act;

(d) the powers of the civil court which may be vested in a Controller;

(e) the form and manner in which an application for appeal or transfer of proceeding may be made to the Tribunal;

(f) the manner of service of notices under this Act;

(g) any other matter which has to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make

during the session in which they are so laid or the session immediately following.

57. *Repeal and savings.*—(1) The Delhi and Ajmer Rent Control Act, 1952 (38 of 1952), in so far as it is applicable to the Union territory of Delhi, is hereby repealed.

(2) Notwithstanding such repeal, all suits and other proceedings under the said Act pending, at the commencement of this Act, before any court or other authority shall be continued and disposed of in accordance with the provisions of the said Act, as if the said Act had continued in force and this Act had not been passed:

Provided that in any such suit or proceeding for the fixation of standard rent or for the eviction of a tenant from any premises to which section 54 does not apply, the court or other authority shall have regard to the provisions of this Act:

Provided further that the provisions for appeal under the said Act shall continue in force in respect of suits and proceedings disposed of thereunder.

THE FIRST SCHEDULE

[See section 1 (2)]

THE URBAN AREAS WITHIN THE LIMITS OF THE MUNICIPAL CORPORATION OF DELHI TO WHICH THE ACT EXTENDS

The areas which, immediately before the 7th April, 1958, were included in—

1. the Municipality of New Delhi excluding the area specified in the First Schedule to the Delhi Municipal Corporation Act, 1957 (66 of 1957);
2. the Municipal Committee, Delhi;
3. the Notified Area Committee, Civil Station, Delhi;
4. the Municipal Committee, Delhi-Shahdara;
5. the Notified Area Committee, Red Fort;
6. the Municipal Committee, West Delhi;
7. the South Delhi Municipal Committee;
8. the Notified Area Committee, Mehrauli.

THE SECOND SCHEDULE

[See sections 2 (a) and 6 (1)]

BASIC RENT

1. In this Schedule, “basic rent” in relation to any premises let out before the 2nd June, 1944, means the original rent of such premises referred to in paragraph 2 increased by such percentage of the original rent as is specified in paragraph 3 or paragraph 4 or paragraph 5, as the case may be.

2. “Original rent”, in relation to premises referred to in paragraph 1, means—

- (a) where the rent of such premises has been fixed under the New Delhi House Rent Control Order, 1939, or the Delhi Rent Control Ordinance, 1944 (25 of 1944), the rent so fixed; or
- (b) in any other case,—
 - (i) the rent at which the premises were let on the 1st November, 1939; or
 - (ii) if the premises were not let on that date, the rent at which they were first let out at any time after that date but before the 2nd June, 1944.

3. Where the premises to which paragraph 2 applies are let out for the purpose of being used as a residence or for any of the purposes of a public hospital, an educational institution, a public library or reading room or an orphanage, the basic rent of the premises shall be the original rent increased by—

- (a) $12\frac{1}{2}$ per cent thereof, if the original rent per annum is not more than Rs. 300;
- (b) $15\text{-}5/8$ per cent thereof, if the original rent per annum is more than Rs. 300 but not more than Rs. 600;
- (c) $18\frac{3}{4}$ per cent thereof, if the original rent per annum is more than Rs. 600 but not more than Rs. 1,200;
- (d) 25 per cent. thereof, if the original rent per annum is more than Rs. 1,200.

4. Where the premises to which paragraph 2 applies are let out for any purpose other than those mentioned in paragraph 3, the basic rent of the premises shall be the original rent increased by twice the amount by which it would be increased under paragraph 3, if the premises were let for a purpose mentioned in that paragraph.

5. Where the premises to which paragraph 2 applies are used mainly as a residence and incidentally for business or profession, the basic rent of the premises shall be the mean of the rent as calculated under paragraphs 3 and 4.

Simla-4, the 18th January, 1960

No. LR. 16-12/58.—The following Acts recently passed by the Parliament of India and already published in the Gazette of India Extraordinary Part II, section 1, dated 5th December, 9th December, 17th December, and 19th December, 1959 respectively are hereby republished in the Himachal Pradesh Administration Rajpatra for the information of general public.

1. The Miscellaneous Personal Laws (Extension) Act, 1959 (No. 48 of 1959).
2. The Haj Committee Act, 1959 (No. 51 of 1959).

K. R. TANDON,
Under Secretary (Judicial).

Assented to on 4-12-59.

THE MISCELLANEOUS PERSONAL LAWS (EXTENSION) ACT, 1959

ACT No. 48 of 1959

AN

ACT

to provide for the extension of certain personal laws to parts of India in which they are not now in force.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Miscellaneous Personal Laws (Extension) Act, 1959.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definition.*—In this Act, “appointed day” means the date on which this Act comes into force.

3. *Extension and amendment of certain Acts.*—On and from the appointed day, the Acts specified in Schedule I shall stand amended in the manner specified therein.

4. *Repeals and savings.*—(1) On and from the appointed day, the enactments specified in Schedule II and other enactments corresponding to the Acts specified in Schedule I shall stand repealed in the territories to which they respectively extended immediately before that day.

(2) Nothing in sub-section (1) shall affect—

- (a) the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided that anything done or any action taken under any such enactment shall be deemed to have been done or taken under the corresponding provision of the Act now extended to the territory concerned and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the said Act.

SCHEDULE I

(See section 3)

The Converts' Marriage Dissolution Act, 1866
(21 of 1866)

Section 35.—For “except the territories which, immediately before the 1st November, 1956, were comprised in Part B States”, substitute “except the State of Jammu and Kashmir and the Union territory of Manipur”.

The Anand Marriage Act, 1909
(7 of 1909)

Section 1.—In sub-section (2), for “except the territories which, immediately before the 1st November, 1956, were comprised in Part B States”, substitute “except the State of Jammu and Kashmir”.

The Hindu Disposition of Property Act, 1916
(15 of 1916)

Section 1.—For sub-section (2), substitute—

“(2) It extends to the whole of India except the State of Jammu and Kashmir.”.

The Hindu Inheritance (Removal of Disabilities) Act, 1928
(12 of 1928)

Section 1.—In sub-section (2), for “except the territories which, immediately before the 1st November, 1956, were

comprised in Part B States”, substitute “except the State of Jammu and Kashmir”.

Section 2.—Omit “from inheritance or”.

The Hindu Gains of Learning Act, 1930
(30 of 1930)

Section 1.—In sub-section (2), for “except the territories which, immediately before the 1st November, 1956, were comprised in Part B States”, substitute “except the State of Jammu and Kashmir”.

The Muslim Personal Law (Shariat) Application Act, 1937
(26 of 1937)

Section 1.—In sub-section (2), for “except the territories which, immediately before the 1st November, 1956, were comprised in Part B States”, substitute “except the State of Jammu and Kashmir”.

The Dissolution of Muslim Marriages Act, 1939
(8 of 1939)

Section 1.—In sub-section (2), for “except the territories which, immediately before the 1st November, 1956, were comprised in Part B States”, substitute “except the State of Jammu and Kashmir”.

SCHEDULE II

[See section 4 (1)]

The Hindu Transfers and Bequests (City of Madras) Act, 1921 (8 of 1921).

The Hyderabad Hindu Gains of Learning Act, 1344-F (Hyderabad Act 5 of 1344-F).

The Hyderabad (Application of Central Acts) Act, 1952 (Hyderabad Act 48 of 1952), in so far as it relates to any of the Acts specified in Schedule I.

The Andhra Pradesh (Extension of Laws) Act, 1958 (Andhra Pradesh Act 23 of 1958), in so far as it relates to the Hindu Gains of Learning Act, 1930.

The State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948 (Saurashtra Ordinance 25 of 1948), in so far as it relates to—

(a) the Hindu Inheritance (Removal of Disabilities) Act, 1928 (12 of 1928); and

(b) the Hindu Gains of Learning Act, 1930 (30 of 1930).

The Saurashtra Dissolution of Muslim Marriages Act, 1952 (Saurashtra Act 26 of 1952).

The Travancore Muslim Succession Act, 1108 (11 of 1108).

The Cochin Muslim Succession Act, 1108 (15 of 1108).

The Travancore Hindu Inheritance (Removal of Disabilities) Act, 1114 (18 of 1114).

The Travancore Hindu Gains of Learning Act, 1117 (3 of 1117).

The Cochin Muslim Marriages Dissolution Act, 1120 (22 of 1120).

The Madhya Bharat (Adoption of Laws) Act, Samvat 2009 (Act 1 of 1953), in so far as it relates to—

(a) the Anand Marriage Act, 1909 (7 of 1909);

(b) the Hindu Disposition of Property Act, 1916 (15 of 1916);

(c) the Hindu Inheritance (Removal of Disabilities) Act, 1928 (12 of 1928);

(d) the Hindu Gains of Learning Act, 1930 (30 of 1930); and

(e) the Muslim Personal Law (Shariat) Application Act, 1937 (26 of 1937).

The Madhya Bharat Dissolution of Muslim Marriages Act, 1956 (14 of 1956).

The Madras Hindu Transfers and Bequests Act, 1914 (Madras Act 1 of 1914).

The Mysore Converts' Marriage Dissolution Act, 1866 (Mysore Act 21 of 1866), as extended to Mysore.

Section 6 of the Mysore Hindu Law (Women's Rights) Act, 1933 (Mysore Act 10 of 1933).

The Mysore Hindu Inheritance (Removal of Disabilities) Act, 1938 (Mysore Act 5 of 1938).

The Mysore Dissolution of Muslim Marriages Act, 1943 (Mysore Act 43 of 1943).

The United State of Rajasthan Muslim Personal Law (Shariat) Application Ordinance, 1949 (14 of 1949).

The Rajasthan (Adaptation of Central Laws) Ordinance, 1950 (4 of 1950), in so far as it relates to—

- (a) the Anand Marriage Act, 1909 (7 of 1909);
- (b) the Hindu Disposition of Property Act, 1916 (15 of 1916);
- (c) the Hindu Inheritance (Removal of Disabilities) Act, 1928 (12 of 1928);
- (d) the Hindu Gains of Learning Act, 1930 (30 of 1930); and
- (e) the Dissolution of Muslim Marriages Act, 1939 (8 of 1939).

Received Assent on 17-12-59.

THE HAJ COMMITTEE ACT, 1959

(51 of 1959)

AN

ACT

to establish a Committee in the Port of Bombay for assisting Muslim pilgrims to Saudi Arabia, Syria, Iraq, Iran and Jordan and for matters connected therewith.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Haj Committee Act, 1959.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "Committee" means the Haj Committee constituted under this Act;
- (b) "pilgrim" means a Muslim proceeding on or returning from pilgrimage to Saudi Arabia, Syria, Iraq, Iran or Jordan;
- (c) "pilgrim ship" means a ship conveying or about to convey pilgrims from or to the port of Bombay to or from any port in the Red Sea other than Suez;
- (d) "prescribed" means prescribed by rules made under this Act.

3. *Incorporation of Haj Committee.*—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established a Committee by the name of the Haj Committee.

(2) The said Committee shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

4. *Composition of the Committee.*—(1) The Committee shall consist of the following members, namely:—

- (a) the Collector of Customs, Bombay, *ex-officio*;
- (b) the Chairman, Port Trust, Bombay, *ex-officio*;
- (c) the Principal Officer, Mercantile Marine Department, Bombay, *ex-officio*;

(d) the Commissioner of Police for Greater Bombay, *ex-officio*;

(e) the Municipal Commissioner, Greater Bombay, *ex-officio*;

(f) the Port Health Officer, Bombay, *ex-officio*;

(g) two members to be nominated by the Central Government;

(h) three members of Parliament of whom two are to be nominated by the Speaker of the House of the People from among its members and one by the Chairman of the Council of States from among its members;

(i) one member to represent the State Government of Bombay to be nominated by that Government;

(j) two members of the Bombay State Legislative Assembly to be nominated by the Speaker of that Assembly;

(k) two members of the Municipal Corporation of Greater Bombay to be nominated by the State Government of Bombay on the recommendation of the Muslim members of the Municipal Corporation of Greater Bombay;

(l) three members, of whom two shall be Shia Muslims to be co-opted by all the members of the Committee to represent such interests as, in their opinion, are directly and actively interested in the welfare of the pilgrims.

(2) Every nomination under this section shall take effect as soon as it is notified by the Central Government in the Official Gazette.

5. *Nomination and co-option of members.*—(1) The members of the Committee shall be nominated or co-opted in such manner as may be prescribed.

(2) As soon as may be after the nomination of the members of the Committee and the co-option of the members referred to in clause (l) of sub-section (1) of section 4, the Central Government shall publish in the Official Gazette a list of the names of all members nominated and co-opted:

Provided that the failure to co-opt a member shall not prevent the Central Government from making nominations or from publishing the list of members as provided in this sub-section:

Provided further that the list of members of a new Committee shall not be published before the expiry of three years from the date of the publication of the list of members of the Committee which it is replacing.

6. *Chairman and Vice-Chairmen.*—(1) After the publication of the list of members of the Committee under sub-section (2) of section 5, the Central Government shall direct the Committee to elect one of its members to be the Chairman within such time as may be specified in the direction.

(2) If within the time so specified the Committee fails to elect a Chairman, the Central Government may appoint a member of the Committee to be the Chairman thereof.

(3) The Chairman shall exercise such powers and discharge such duties as may be prescribed.

(4) The Committee shall elect from among its members not more than two members to be Vice-Chairmen who shall exercise such powers and discharge such duties as may be determined by bye-laws made in this behalf by the Committee.

(5) The appointment or election of the Chairman and the Vice-Chairmen shall be notified by the Central Government in the Official Gazette.

7. *Term of office.*—The term of office of the members of the Committee (other than the *ex-officio* members and

members filling casual vacancies) shall be not less than three years, commencing on the day following the publication of the list of members under sub-section (2) of section 5, and ending on the date of the publication of the list of members of the next Committee.

8. *Constitution of new Committees.*—(1) At such time as the Central Government may deem to be expedient before or after the expiry of the period of three years after the publication of the list of members of a Committee under sub-section (2) of section 5, the Central Government shall take or cause to be taken all necessary steps for the nomination and co-option of members of the new Committee.

(2) No person shall be ineligible for nomination or co-option to the new Committee on the ground that he is or has been a member of the Committee.

9. *Duties of Committee.*—(1) The duties of the Committee shall be—

- (a) to collect and disseminate information useful to pilgrims;
- (b) to advise and assist pilgrims during their stay in the city and the port of Bombay, while proceeding on or returning from pilgrimage, in all matters including vaccination, inoculation, medical inspection and issue of passes and passports, and to co-operate with the local authorities concerned in such matters;
- (c) to give relief to indigent pilgrims;
- (d) to negotiate and co-operate with railways, shipping companies, airways and travel agencies for the purpose of securing travelling facilities for pilgrims;
- (e) to find suitable guides for employment by shipping companies on pilgrim ships;
- (f) to bring the grievances of pilgrims and any irregularities or omissions on the part of master or owner of a pilgrim ship in carrying out the provisions of the Indian Merchant Shipping Act, 1923 (21 of 1923), to the notice of the authorities concerned, and to suggest remedies;
- (g) to appoint a pilgrim as "Amirul-Haj" on board a pilgrim ship to represent the grievances of the pilgrims to the master or owner of the ship;
- (h) generally to look after the welfare of the pilgrims; and
- (i) to discharge such other duties in connection with pilgrim traffic as may be prescribed.

(2) The Central Government shall afford all reasonable assistance to the Committee in the discharge of the duties imposed by this section.

10. *Meetings of Committee.*—(1) The Committee shall meet at least once in every month during the four months before the Haj Day and during the two months after the Haj Day, and at least once in three months during the rest of the year.

(2) The number of members required to make a quorum at any meeting shall be six.

(3) All matters shall be decided by a majority of votes of the members present, and in the event of an equality of votes, the Chairman or other person presiding shall have a casting vote.

11. *Vacancies, etc. not to invalidate acts or proceedings of the Committee.*—No act or proceeding of the Committee shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

12. *Executive officer and other employees.*—(1) The Central Government shall, in consultation with the Committee, appoint a person to be the Executive Officer

thereof who shall also be the Secretary to the Committee.

(2) The Committee shall, subject to the approval of the Central Government, appoint such other employees as it may consider necessary for the efficient discharge of its duties under this Act.

13. *Sub-committees and inspection of pilgrim ships.*—

(1) The Committee shall appoint one or more sub-committees consisting of such number of its members as it thinks fit for the inspection of pilgrim ships.

(2) Any such sub-committee when inspecting a pilgrim ship shall be accompanied by the certifying officer appointed for the port under section 151 of the Indian Merchant Shipping Act, 1923 (21 of 1923), or by the Surveyor of the ship or other person deputed by the certifying officer.

(3) The Executive Officer of the Committee, or a sub-committee appointed under sub-section (1) may enter and inspect any pilgrim ship advertised or offering to sail from, or which has returned to, the port of Bombay.

(4) A master or any officer of a pilgrim ship who fails to render reasonable facilities for such inspection shall be punishable with fine which may extend to five hundred rupees.

(5) No magistrate other than a presidency magistrate or magistrate of the first class shall take cognizance of an offence punishable under sub-section (4) and such magistrate shall take cognizance of such offence only on written complaint by the Chairman of the Committee.

(6) The Committee may also appoint other sub-committees for such purposes as it may think fit and any such sub-committee shall consist of such number of members and other persons as may be determined by bye-laws made in this behalf by the Committee.

14. *Haj Fund.*—The Committee shall have its own Fund to be called the Haj Fund, and there shall be placed to the credit thereof the following sums, namely:—

- (a) the interest on all deposits made by pilgrims under clause (b) of section 208A of the Indian Merchant Shipping Act, 1923 (21 of 1923);
 - (b) the fees charged for the registration of pilgrim passes in pursuance of any rule made under section 213 of the Indian Merchant Shipping Act, 1923 (21 of 1923);
 - (c) the sums realised from the sale of the effects of deceased pilgrims and sums of money left by deceased pilgrims, which are unclaimed and have lapsed to the Government;
 - (d) any fees which may be levied for the issue of visitors' passes to friends and relations of pilgrims who desire to go on board a pilgrim ship;
 - (e) the amount standing at the commencement of this Act to the credit of the Fund known as the Indigent Pilgrims Fund;
- Provided that such amount shall be applied by the Committee solely for the relief of indigent pilgrims;
- (f) any sums received by the Haj Fund from private sources; and
 - (g) any sums allotted by the Central Government or any State Government to the Haj Fund.

15. *Vesting of property in the Committee.*—All property, assets and funds owned or acquired, before the establishment of the Committee under this Act, by the Port Haj Committee of Calcutta and the Port Haj Committee of Bombay constituted under the Port Haj Committees Act, 1932 (20 of 1932), shall, on such establishment, vest in the Committee and form part of the Haj Fund referred to in section 14.

16. *Application of the Haj Fund.*—The Haj Fund shall,

subject to any rules that may be made under this Act, be under the control and management of the Committee, and shall be applied to the following purposes, namely:—

- (a) pay and allowances of the Executive Officer and other employees of the Committee;
- (b) payment of charges and expenses incidental to the objects specified in section 9;
- (c) any other object specified in the rules made under section 17.

17. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner of nomination and co-option of members of the Committee;
- (b) the disqualifications for being chosen as, or for being, members of the Committee;
- (c) the manner in which doubts and disputes relating to co-option of members may be determined;
- (d) the filling up of casual vacancies in the office of the Chairman and other members of the Committee;
- (e) the removal of the Chairman and other members of the Committee and their resignation from office;
- (f) the term of office of the Chairman and his powers and duties;
- (g) the duties which may be entrusted to the Committee;
- (h) the powers and duties of the Executive Officer and the conditions of service of the Executive Officer and other employees of the Committee;
- (i) the custody of the Haj Fund and the investment of balances therein;
- (j) the objects for which the Haj Fund may be applied;
- (k) the limit of expenditure which may be incurred by the Committee without sanction of the Central Government;
- (l) the accounts to be kept by the Committee and the audit of such accounts;
- (m) the preparation, submission and approval of the budget of the Committee;
- (n) the returns, statements and reports to be submitted by the Committee;
- (o) any other matter which is to be, or may be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. Power to make bye-laws.—(1) The Committee may make bye-laws not inconsistent with this Act or the rules made thereunder—

- (a) prescribing the manner of election of the Vice-Chairmen;
- (b) prescribing the term of office and the powers and duties of the Vice-Chairmen;
- (c) regulating the removal or resignation of a Vice-Chairman and the filling up of casual vacancies in the office of Vice-Chairman;

- (d) regulating the convening of the meetings of the Committee and the conduct of business thereat;
- (e) prescribing the registers and records to be maintained;
- (f) providing for the publication of its proceedings and any matter of interest to pilgrims; and
- (g) providing for any other matter which the Committee deems necessary for giving effect to the provisions of this Act.

(2) Bye-laws made by the Committee under this section shall be submitted to the Central Government and shall not take effect until they have been confirmed by the Central Government.

(3) Bye-laws which have been confirmed by the Central Government shall be published in the Official Gazette.

19. Repeal and savings.—(1) The Port Haj Committees Act, 1932 (20 of 1932), is hereby repealed.

(2) Notwithstanding such repeal, the Port Haj Committee of Bombay constituted under the said Act shall, until the establishment of the Committee under this Act, continue to function as if this Act had not been passed and on such establishment of the Committee, the Port Haj Committee of Bombay shall stand dissolved.

Simla-4, the 23rd January, 1960

No. LR. 16-12/58.—The following Acts recently passed by the Parliament of India and already published in the Gazette of India Extraordinary Part-II, Section I, dated 24th and 26th December, 1959 respectively are hereby republished in the Himachal Pradesh Administration Rajpatra for the information of general public.

1. The Arms Act, 1959 (No. 54 of 1959).
2. The Indian Statistical Institute Act, 1959 (No. 57 of 1959).
3. The Sugar (Special Excise Duty) Act, 1959 (No. 58 of 1959).
4. The Married Women's Property (Extension) Act, 1959 (No. 61 of 1959).

K. R. TANDON,
Under Secretary (Judicial).

THE ARMS ACT, 1959

ARRANGEMENT OF SECTIONS

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Received assent on 23-12-1959.

THE ARMS ACT, 1959

(54 of 1959)

AN

ACT

to consolidate and amend the law relating to arms and ammunition.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Arms Act, 1959.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions and interpretation.*—(1) In this Act, unless the context otherwise requires,—

(a) “acquisition”, with its grammatical variations and cognate expressions, includes hiring, borrowing, or accepting as a gift;

(b) “ammunition” means ammunition for any firearm, and includes—

(i) rockets, bombs, grenades, shells and other like missiles,

(ii) articles designed for torpedo service and submarine mining,

(iii) other articles containing, or designed or adapted to contain, explosive, fulminating or fissionable material or noxious liquid, gas or other such thing, whether capable of use with firearms or not,

(iv) charges for firearms and accessories for such charges,

(v) fuses and friction tubes,

(vi) parts of, and machinery for manufacturing, ammunition, and

(vii) such ingredients of ammunition as the Central Government may, by notification in the Official Gazette, specify in this behalf;

(c) “arms” means articles of any description designed or adapted as weapons for offence or defence, and includes firearms, sharp-edged and other deadly weapons, and parts of, and machinery for manufacturing, arms, but does not include articles designed solely for domestic or agricultural uses such as a lathi or an ordinary walking stick and weapons in capable of being used otherwise than as toys or of being converted into serviceable weapons;

(d) “district magistrate”, in relation to a presidency town or the city of Hyderabad, means the Commissioner of Police thereof;

(e) “firearms” means arms of any description designed or adapted to discharge a projectile or projectiles of any kind by the action of any explosive or other forms of energy, and includes—

(i) artillery, hand-grenades, riot-pistols or weapons of any kind designed or adapted for the discharge of any noxious liquid, gas or other such thing,

(ii) accessories for any such firearm designed or adapted to diminish the noise or flash caused by the firing thereof,

(iii) parts of, and machinery for manufacturing, firearms, and

- (iv) carriages, platforms and appliances for mounting, transporting and serving artillery;
- (f) "licensing authority" means an officer or authority empowered to grant or renew licences under rules made under this Act, and includes the Government;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "prohibited ammunition" means any ammunition containing, or designed or adapted to contain, any noxious liquid, gas or other such thing, and includes rockets, bombs, grenades, shells, articles designed for torpedo service and submarine mining and such other articles as the Central Government may, by notification in the Official Gazette, specify to be prohibited ammunition;
- (i) "prohibited arms" means—
- (i) firearms so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty, or
 - (ii) weapons of any description designed or adapted for the discharge of any noxious liquid, gas or other such thing, and includes artillery, anti-aircraft and anti-tank firearms and such other arms as the Central Government may, by notification in the Official Gazette, specify to be prohibited arms;
- (j) "public servant" has the same meaning as in section 21 of the Indian Penal Code (45 of 1860);
- (k) "transfer", with its grammatical variations and cognate expressions, includes letting on hire, lending, giving and parting with possession.

(2) For the purposes of this Act, the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing.

(3) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

(4) Any reference in this Act to any officer or authority shall, in relation to any area in which there is no officer or authority with the same designation, be construed as a reference to such officer or authority as may be specified by the Central Government by notification in the Official Gazette.

CHAPTER II

ACQUISITION, POSSESSION, MANUFACTURE, SALE, IMPORT, EXPORT AND TRANSPORT OF ARMS AND AMMUNITION

3. Licence for acquisition and possession of firearms and ammunition.—No person shall acquire, have in his possession, or carry any firearm or ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rule made thereunder:

Provided that a person may, without himself holding a licence, carry any firearm or ammunition in the presence, or under the written authority, of the holder of the licence for repair or for renewal of the licence or for use by such holder.

4. Licence for acquisition and possession of arms of specified description in certain cases.—If the Central Government is of opinion that having regard to the circumstances prevailing in any area it is necessary or expedient in the public interest that the acquisition, possession or carrying of arms other than firearms should also be regulated, it may, by notification in the Official Gazette, direct that this section shall apply to the area specified in the notification, and thereupon no person shall

acquire, have in his possession or carry in that area arms of such class or description as may be specified in that notification unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder.

5. Licence for manufacture, sale, etc. of arm and ammunition.—No person shall—

- (a) manufacture, sell, transfer, convert, repair, test or prove, or
 - (b) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof,
- any firearm or any other arms of such class or description as may be prescribed or any ammunition, unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder:

Provided that a person may, without holding a licence in this behalf, sell or transfer any arms or ammunition which he lawfully possesses for his own private use to another person who is entitled by virtue of this Act or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having, in his possession, such arms or ammunition, but the person who has sold or transferred any firearm or ammunition in respect of which a licence is required under section 3 or any arms in respect of which a licence is required under section 4, shall, immediately after the sale or transfer, inform in writing the district magistrate having jurisdiction or the officer in charge of the nearest police station, of such sale or transfer and the name and address of the other person to whom the firearm, ammunition or other arms has or have been sold or transferred.

6. Licence for the shortening of guns or conversion of imitation firearms into firearms.—No person shall shorten the barrel of a firearm or convert an imitation firearm into a firearm unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder.

Explanation.—In this section, the expression, "imitation firearm" means anything which has the appearance of being a firearm, whether it is capable of discharging any shot, bullet or other missile or not.

7. Prohibition of acquisition or possession, or of manufacture or sale, of prohibited arms or prohibited ammunition.—No person shall—

- (a) acquire, have in his possession or carry; or
 - (b) manufacture, sell, transfer, convert, repair, test or prove; or
 - (c) expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repairs, test or proof;
- any prohibited arms or prohibited ammunition unless he has been specially authorised by the Central Government in this behalf.

8. Prohibition of sale or transfer of firearms not bearing identification marks.—(1) No person shall obliterate, remove, alter or forge any name, number or other identification mark stamped or otherwise shown on a firearm.

(2) No person shall sell or transfer any firearm which does not bear the name of the maker, manufacturer number or other identification mark stamped or otherwise shown thereon in a manner approved by the Central Government.

(3) Whenever any person has in his possession any firearm without such name, number or other identification mark or on which such name, number or other

identification mark has been obliterated, removed, altered or forged, it shall be presumed unless the contrary is proved, that he has obliterated, removed, altered or forged that name number or other identification mark:

Provided that in relation to a person who has in his possession at the commencement of this Act any firearm without such name, number or other identification mark stamped or otherwise shown thereon, the provisions of this sub-section shall not take effect until after the expiration of one year from such commencement.

9. *Prohibition of acquisition or possession by, or of sale or transfer to, young persons and certain other persons of firearms, etc.*—(1) Notwithstanding anything in the foregoing provisions of this Act,—

(a) no person,—

- (i) who has not completed the age of sixteen years, or
- (ii) who has been sentenced on conviction of any offence involving violence or moral turpitude to imprisonment for a term of not less than six months, at any time during a period of five years after the expiration of the sentence, or
- (iii) who has been ordered to execute under Chapter VIII of the Code of Criminal Procedure, 1898 (5 of 1898), a bond for keeping the peace or for good behaviour, at any time during the term of the bond,

shall acquire, have in his possession or carry any firearm or ammunition;

(b) no person shall sell or transfer any firearm or ammunition to, or convert, repair, test or prove any firearm or ammunition for, any other person whom he knows, or has reason to believe—

- (i) to be prohibited under clause (a) from acquiring, having in his possession or carrying any firearm or ammunition, or
- (ii) to be of unsound mind at the time of such sale or transfer, or such conversion, repair, test or proof.

(2) Notwithstanding anything in sub-clause (i) of clause (a) of sub-section (1), a person who has attained the prescribed age-limit may use under prescribed conditions such firearms as may be prescribed in the course of his training in the use of such firearms;

Provided that different age-limits may be prescribed in relation to different types of firearms.

10. *Licence for import and export of arms, etc.*—(1) No person shall bring into, or take out of, India by sea, land or air any arms or ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder:

Provided that—

- (a) a person who is entitled by virtue of this Act or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having, in his possession any arms or ammunition, may without a licence in this behalf bring into or take out of, India such arms or ammunition in reasonable quantities for his own private use;
- (b) a person being a *bona fide* tourist belonging to any such country as the Central Government may by notification in the Official Gazette, specify, who is not prohibited by the laws of that country from having in his possession any arms or ammunition, may, without a licence under this section but in accordance with such conditions as may be

prescribed bring with him into India arms and ammunition in reasonable quantities for use by him for purposes only of sport and for no other purpose:

Explanation.—For purposes of clause (b) of this proviso the word “tourist” means a person who not being, citizen of India visits India for a period not exceeding six months with no other object than recreation, sight-seeing, or participation in a representative capacity in meeting convened by the Central Government or in international conferences, associations or other bodies.

(2) Notwithstanding anything contained in the proviso to sub-section (1), where the collector of customs or any other officer empowered by the Central Government in this behalf has any doubt as to the applicability of clause (a) or clause (b) of that proviso to any person who claims that such clause is applicable to him, or as to the reasonableness of the quantities of arms or ammunition in the possession of any person referred to in such clause, or as to the use to which such arms or ammunition may be put by such person, may detain the arms or ammunition in the possession of such person until he receives the orders of the Central Government in relation thereto.

(3) Arms and ammunition taken from one part of India to another by sea or air or across any intervening territory not forming part of India, are taken out of, and brought into, India within the meaning of this section.

11. *Power to prohibit import or export of arms, etc.*—

The Central Government may, by notification in the Official Gazette, prohibit the bringing into, or the taking out of, India, arms or ammunition of such classes and descriptions as may be specified in the notification.

12. *Power to restrict or prohibit transport of arms.*—(1)

The Central Government may, by notification in the Official Gazette,—

- (a) direct that no person shall transport over India or any part thereof arms or ammunition of such classes and descriptions as may be specified in the notification unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder; or
- (b) prohibit such transport altogether.

(2) Arms or ammunition trans-shipped at a seaport or an airport in India are transported within the meaning of this section.

CHAPTER III

PROVISIONS RELATING TO LICENCES

13. *Grant of licences.*—(1) An application for the grant of a licence under Chapter II shall be made to the licensing authority and shall be in such form, contain such particulars and be accompanied by such fee, if any, as may be prescribed.

(2) On receipt of an application, the licensing authority, after making such inquiry, if any, as it may consider necessary, shall, subject to the other provisions of this Chapter, by order in writing either grant the licence or refuse to grant the same.

(3) The licensing authority shall grant—

- (a) a licence under section 3 where the licence is required—
 - (i) by a citizen of India in respect of a smooth bore gun having a barrel of not less than twenty inches in length to be used for protection or sport or in respect of a muzzle loading gun to be used for *bona fide* crop protection:

Provided that where having regard to the circumstances of any case, the licensing authority is satisfied that a muzzle loading gun will not be sufficient for crop protection, the licensing authority may grant a licence in respect of any other smooth bore gun as aforesaid for such protection, or

(ii) in respect of a point 22 bore rifle or an air rifle to be used for target practice by a member of a rifle club or rifle association licensed or recognised by the Central Government;

(b) a licence under section 3 in any other case or a licence under section 4, section 5, section 6, section 10 or section 12, if the licensing authority is satisfied that the person by whom the licence is required has a good reason for obtaining the same.

14. Refusal of licences.—(1) Notwithstanding anything in section 13, the licensing authority shall refuse to grant—

(a) a licence under section 3, section 4 or section 5 where such licence is required in respect of any prohibited arms or prohibited ammunition;

(b) a licence in any other case under Chapter II,—

(i) where such licence is required by a person whom the licensing authority has reason to believe—

(1) to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his possession or carrying any arms or ammunition, or

(2) to be of unsound mind, or

(3) to be for any reason unfit for a licence under this Act; or

(ii) where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence.

(2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.

(3) Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

15. Duration and renewal of licence.—(1) A licence under section 3 shall, unless revoked earlier, continue in force for a period of three years from the date on which it is granted:

Provided that such a licence may be granted for a shorter period if the persons by whom the licence is required so desires or if the licensing authority for reasons to be recorded in writing considers in any case that the licence should be granted for a shorter period.

(2) A licence under any other provision of Chapter II shall, unless revoked earlier, continue in force for such period from the date on which it is granted as the licensing authority may in each case determine.

(3) Every licence shall, unless the licensing authority for reasons to be recorded in writing otherwise decides in any case, be renewable for the same period for which the licence was originally granted and shall be so renewable from time to time, and the provisions of section 13 and 14 shall apply to the renewal of a licence as they apply to the grant thereof.

16. Fees, etc. for licence.—The fees on payment of which, the conditions subject to which and the form in which a licence shall be granted or renewed shall be such as may be prescribed:

Provided that different fees, different conditions and different forms may be prescribed for different types of licences:

Provided further that a licence may contain in addition to prescribed conditions such other conditions as may be considered necessary by the licensing authority in any particular case.

17. Variation, suspension and revocation of licences.—

(1) The licensing authority may vary the conditions subject to which a licence has been granted except such of them as have been prescribed and may for that purpose require the licence-holder by notice in writing to deliver-up the licence to it within such time as may be specified in the notice.

(2) The licensing authority may, on the application of the holder of a licence, also vary the conditions of the licence except such of them as have been prescribed.

(3) The licensing authority may by order in writing suspend a licence for such period as it thinks fit or revoke a licence,—

(a) if the licensing authority is satisfied that the holder of the licence is prohibited by this Act or by any other law for the time being in force, from acquiring, having in his possession or carrying any arms or ammunition, or is of unsound mind, or is for any reason unfit for a licence under this Act; or

(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or

(c) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any other person on his behalf at the time of applying for it; or

(d) if any of the conditions of the licence has been contravened; or

(e) if the holder of the licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up the licence.

(4) The licensing authority may also revoke a licence on the application of the holder thereof.

(5) Where the licensing authority makes an order varying a licence under sub-section (1) or an order suspending or revoking a licence under sub-section (3), it shall record in writing the reasons therefor and furnish to the holder of the licence on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

(6) The authority to whom the licensing authority is subordinate may by order in writing suspend or revoke a licence on any ground on which it may be suspended or revoked by the licensing authority; and the foregoing provisions of this section shall, as far as may be, apply in relation to the suspension or revocation of a licence by such authority.

(7) A court convicting the holder of a licence of any offence under this Act or the rules made thereunder may also suspend or revoke the licence:

Provided that if the conviction is set aside on appeal or otherwise, the suspension or revocation shall become void.

(8) An order of suspension or revocation under sub-section (7) may also be made by an appellate court or by the High Court when exercising its powers of revision.

(9) The Central Government may, by order in the Official Gazette, suspend or revoke or direct any licensing

authority to suspend or revoke all or any licences granted under this Act throughout India or any part thereof.

(10) On the suspension or revocation of a licence under this section the holder thereof shall without delay surrender the licence to the authority by whom it has been suspended or revoked or to such other authority as may be specified in this behalf in the order of suspension or revocation.

18. Appeals.—(1) Any person aggrieved by an order of the licensing authority refusing to grant a licence or varying the conditions of a licence or by an order of the licensing authority or the authority to whom the licensing authority is subordinate, suspending or revoking a licence may prefer an appeal against that order to such authority (hereinafter referred to as the appellate authority) and within such period as may be prescribed:

Provided that no appeal shall lie against any order made by, or under the direction of, the Government.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(3) The period prescribed for an appeal shall be computed in accordance with the provisions of the Indian Limitation Act, 1908 (9 of 1908), with respect to the computation of periods of limitation thereunder.

(4) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a brief statement of the reasons for the order appealed against where such statement has been furnished to the appellant and by such fee as may be prescribed.

(5) In disposing of an appeal the appellate authority shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

(6) The order appealed against shall, unless the appellate authority conditionally or unconditionally directs otherwise, be in force pending the disposal of the appeal against such order.

(7) Every order of the appellate authority confirming, modifying or reversing the order appealed against shall be final.

CHAPTER IV

POWERS AND PROCEDURE

19. Power to demand production of licence, etc.—(1) Any police officer or any other officer specially empowered in this behalf by the Central Government may demand the production of his licence from any person who is carrying any arms or ammunition.

(2) If the person upon whom a demand is made refuses or fails to produce the licence or to show that he is entitled by virtue of this Act or any other law for the time being in force to carry such arms or ammunition without a licence, the officer concerned may require him to give his name and address and if such officer considers it necessary, seize from that person the arms or ammunition which he is carrying.

(3) If that person refuses to give his name and address or if the officer concerned suspects that person of giving a false name or address or of intending to abscond, such officer may arrest him without warrant.

20. Arrest of persons conveying arms, etc. under suspicious circumstances.—Where any person is found

carrying or conveying any arms or ammunition whether covered by a licence or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are or is being carried by him with intent to use them, or that the same may be used, for any unlawful purpose, any magistrate, any police officer or any other public servant or any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance, may arrest him without warrant and seize from him such arms or ammunition.

21. Deposit of arms etc. on possession ceasing to be lawful.—(1) Any person having in his possession any arms or ammunition the possession whereof has, in consequence of the expiration of the duration of a licence or of the suspension or revocation of a licence or by the issue of a notification under section 4 or by any reason whatever, ceased to be lawful, shall without unnecessary delay deposit the same either with the officer in charge of the nearest police station or subject to such conditions as may be prescribed, with a licensed dealer or where such person is a member of the armed forces of the Union, in a unit armoury.

Explanation.—In this sub-section "unit armoury" includes an armoury in a ship or establishment of the Indian Navy.

(2) Where arms or ammunition have or has been deposited under sub-section (1), the depositor or in the case of his death, his legal representative, shall, at any time before the expiry of such period as may be prescribed, be entitled—

(a) to receive back anything so deposited on his becoming entitled by virtue of this Act or any other law for the time being in force to have the same in his possession, or

(b) to dispose, or authorise the disposal, of anything so deposited by sale or otherwise to any person entitled by virtue of this Act or any other law for the time being in force to have, or not prohibited by this Act or such other law from having, the same in his possession and to receive the proceeds of any such disposal:

Provided that nothing in this sub-section shall be deemed to authorise the return or disposal of anything of which confiscation has been directed under section 32.

(3) All things deposited and not received back or disposed of under sub-section (2) within the period therein referred to shall be forfeited to Government by order of the district magistrate:

Provided that in the case of suspension of a licence no such forfeiture shall be ordered in respect of a thing covered by the licence during the period of suspension.

(4) Before making an order under sub-section (3) the district magistrate shall, by notice in writing to be served upon the depositor or in the case of his death, upon his legal representative, in the prescribed manner, require him to show cause within thirty days from the service of the notice why the things specified in the notice should not be forfeited.

(5) After considering the cause, if any, shown by the depositor or, as the case may be, his legal representative, the district magistrate shall pass such order as he thinks fit.

(6) The Government may at any time return to the depositor or his legal representative things forfeited to it or the proceeds of disposal thereof wholly or in part.

22. Search and seizure by magistrate.—(1) Whenever any magistrate has reason to believe—

(a) that any person residing within the local limits of his jurisdiction has in his possession any arms

or ammunition for any unlawful purpose; or

- (b) that such person cannot be left in the possession of any arms or ammunition without danger to the public peace or safety.

the magistrate may, after having recorded the reasons for his belief, cause a search to be made of the house or premises occupied by such person or in which the magistrate has reason to believe that such arms or ammunition are or is to be found and may have such arms or ammunition, if any, seized and detain the same in safe custody for such period as he thinks necessary, although that person may be entitled by virtue of this Act or any other law for the time being in force to have the same in his possession.

(2) Every search under this section shall be conducted by or in the presence of a magistrate or by or in the presence of some officer specially empowered in this behalf by the Central Government.

23. Search of vessels, vehicles for arms, etc.—Any magistrate, any police officer or any other officer specially empowered in this behalf by the Central Government, may for the purpose of ascertaining whether any contravention of this Act or the rules made thereunder is being or is likely to be committed, stop and search any vessel, vehicle or other means of conveyance and seize any arms or ammunition that may be found therein along with such vessel, vehicle or other means of conveyance.

24. Seizure and detention under orders of the Central Government.—The Central Government may at any time order the seizure of any arms or ammunition in the possession of any person, notwithstanding that such person is entitled by virtue of this Act or any other law for the time being in force to have the same in his possession, and may detain the same for such period as it thinks necessary for the public peace and safety.

CHAPTER V

OFFENCES AND PENALTIES

25. Punishment for certain offences.—(1) Whoever—

- (a) acquires, has in his possession or carries any firearm or ammunition in contravention of section 3; or
- (b) acquires, has in his possession or carries in any place specified by notification under section 4 any arms of such class or description as has been specified in that notification, in contravention of that section; or
- (c) manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5; or
- (d) shortens the barrel of a firearm or converts an imitation firearm into a firearm in contravention of section 6; or
- (e) acquires, has in his possession or carries, or manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any prohibited arms or prohibited ammunition in contravention of section 7; or
- (f) sells or transfers any firearm which does not bear the name of the maker, manufacturer's number or other identification mark stamped or otherwise shown thereon as required by sub-section (2) of section 8 or does any act in contravention of sub-section (1) of that section; or

- (g) being a person to whom sub-clause (ii) or sub-clause (iii) of clause (a) of sub-section (1) of section 9 applies, acquires, has in his possession or carries any firearm or ammunition in contravention of that section; or
- (h) sells or transfers, or converts, repairs, tests or proves any firearm or ammunition in contravention of clause (b) of sub-section (1) of section 9; or
- (i) brings into, or takes out of, India, any arms or ammunition in contravention of section 10; or
- (j) brings into, or takes out of, India, arms or ammunition of any class or description in contravention of section 11; or
- (k) transports any arms or ammunition in contravention of section 12; or
- (l) fails to deposit arms or ammunition as required by sub-section (1) of section 21; or
- (m) being a manufacturer of, or dealer in, arms or ammunition fails, on being required to do so by rules made under section 44, to maintain a record or account or to make therein all such entries as are required by such rules or intentionally makes a false entry therein or prevents or obstructs the inspection of such record or account or the making of copies of entries therefrom or prevents or obstructs the entry into any premises or other place where arms or ammunition are or is manufactured or kept or intentionally fails to exhibit or conceals such arms or ammunition or refuses to point out where the same are or is manufactured or kept;

shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) Whoever being a person to whom sub-clause (i) of clause (a) of sub-section (1) of section 9 applies, acquires, has in his possession or carries any firearm or ammunition in contravention of that section shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) Whoever having sold or transferred any firearms or ammunition or other arms under the proviso to section 5 fails to inform the district magistrate having jurisdiction or the officer in charge of the nearest police station, of such sale or transfer shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.

(4) Whoever fails to deliver-up a licence when so required by the licensing authority under sub-section (1) of section 17 for the purpose of varying the conditions specified in the licence or fails to surrender a licence to the appropriate authority under sub-section (10) of that section on its suspension or revocation shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.

(5) Whoever, when required under section 19 to give his name and address, refuses to give such name and address or gives a name or address which subsequently transpires to be false shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to two hundred rupees, or with both.

26. Secret contraventions.—Whoever—

- (a) does any act in contravention of any of the provisions of sections 3, 4, 5, 6, 7, 10, 11, or 12 in such manner as to indicate an intention that such act may not be known to any public servant or to any

person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance; or

- (b) on any search being made under section 22 conceals or attempts to conceal any arms or ammunition:

shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

27. Punishment for possessing arms, etc., with intent to use them for unlawful purpose.—Whoever has in his possession any arms or ammunition with intent to use the same for any unlawful purpose or to enable any other person to use the same for any unlawful purpose shall, whether such unlawful purpose has been carried into effect or not, be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

28. Punishment for use and possession of firearms or imitation firearms in certain cases.—Whoever makes or attempts to make any use whatsoever of a firearm or an imitation firearm with intent to resist or prevent the lawful arrest or detention of himself or any other person shall be punishable with imprisonment for a term which may extend to seven years or with fine, or with both.

Explanation.—In this section the expression “imitation firearm” has the same meaning as in section 6.

29. Punishment for knowingly purchasing arms, etc., from unlicensed person or for delivering arms, etc., to person not entitled to possess the same.—Whoever—

- (a) purchases any firearms or any other arms of such class or description as may be prescribed or any ammunition from any other person knowing that such other person is not licensed or authorised under section 5; or
- (b) delivers any arms or ammunition into the possession of another person without previously ascertaining that such other person is entitled by virtue of this Act or any other law for the time being in force to have, and is not prohibited by this Act or such other law from having, in his possession the same:

shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.

30. Punishment for contravention of licence or rule.—Whoever contravenes any condition of a licence or any provision of this Act or any rule made thereunder, for which no punishment is provided elsewhere in this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

31. Punishment for subsequent offences.—Whoever having been convicted of an offence under this Act is again convicted of an offence under this Act shall be punishable with double the penalty provided for the latter offence.

32. Power to confiscate.—(1) When any person is convicted under this Act of any offence committed by him in respect of any arms or ammunition, it shall be in the discretion of the convicting court further to direct that the whole or any portion of such arms or ammunition, and any vessel, vehicle or other means of conveyance and any receptacle or thing containing, or used to conceal, the arms or ammunition shall be confiscated:

Provided that if the conviction is set aside on appeal or otherwise, the order of confiscation shall become void.

(2) An order of confiscation may also be made by the appellate court or by the High Court when exercising its powers of revision.

33. Offences by companies.—(1) Whenever an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section, —

- (a) “company” means any body corporate, and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

CHAPTER VI

MISCELLANEOUS

34. Sanction of Central Government for warehousing of arms.—Notwithstanding anything contained in the Sea Customs Act, 1878 (8 of 1878), no arms or ammunition shall be deposited in any warehouse licensed under section 16 of that Act without the sanction of the Central Government.

35. Criminal responsibility of persons in occupation of premises in certain cases.—Where any arms or ammunition in respect of which any offence under this Act has been or is being committed are or is found in any premises, vehicle or other place in the joint occupation or under the joint control of several persons, each of such persons in respect of whom their is reason to believe that he was, aware of the existence of the arms or ammunition in the premises, vehicle or other place shall, unless the contrary is proved, be liable for that offence in the same manner as if it has been or is being committed by him alone.

36. Information to be given regarding certain offences.—(1) Every person aware of the commission of any offence under this Act shall, in the absence of reasonable excuse the burden of proving which shall lie upon such person, give information of the same to the officer in charge of the nearest police station or the magistrate having jurisdiction.

(2) Every person employed or working upon any railway, aircraft, vessel, vehicle or other means of conveyance shall, in the absence of reasonable excuse the burden of proving which shall lie upon such person give information to the officer in charge of the nearest police station regarding any box, package or bale in transit which he may have reason to suspect contains arms or ammunition in respect of which an offence under this Act has been or is being committed.

37. Arrest and searches.—Save as otherwise provided in this Act,—

(a) all arrests and searches made under this Act or under any rules made thereunder shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898 (5 of 1898), relating respectively to arrests and searches made under that Code;

(b) any person arrested and any arms or ammunition seized under this Act by a person not being a magistrate or a police officer shall be delivered without delay to the officer in charge of the nearest police station and that officer shall—

(i) either release that person on his executing a bond with or without sureties to appear before a magistrate and keep the things seized in his custody till the appearance of that person before the magistrate, or

(ii) should that person fail to execute the bond and to furnish, if so required, sufficient sureties, produce that person and those things without delay before the magistrate.

38. Offences to be cognizable.—Every offence under this Act shall be cognizable within the meaning of the Code of Criminal Procedure, 1898 (5 of 1898).

39. Previous sanction of the district magistrate necessary in certain cases.—No prosecution shall be instituted against any person in respect of any offence under section 3 without the previous sanction of the district magistrate.

40. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

41. Power to exempt.—Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette and subject to such conditions, if any, as it may specify in the notification,—

(a) exempt any person or class of persons, or exclude any description of arms or ammunition, or withdraw any part of India, from the operation of all or any of the provisions of this Act; and

(b) as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons or the description of arms and ammunition or the part of India to the operation of such provisions.

42. Power to take census of firearms.—(1) The Central Government may, by notification in the Official Gazette, direct a census to be taken of all firearms in any area and empower any officer of Government to take such census.

(2) On the issue of any such notification all persons having in their possession any firearm in that area shall furnish to the officer concerned such information as he may require in relation thereto and shall produce before him such firearms if he so requires.

43. Power to delegate.—(1) The Central Government may, by notification in the Official Gazette, direct that any power or function which may be exercised or performed by it under this Act other than the power under section 41 or the power under section 44 may in relation to such matters and subject to such conditions, if any, as it may specify in the notification, be exercised or performed also by—

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or such officer or authority subordinate to the State Government, as may be specified in the notification.

(2) Any rules made by the Central Government under this Act may confer powers or impose duties or authorise the conferring of powers or imposition of duties upon any State Government or any officer or authority subordinate thereto.

44. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the appointment, jurisdiction, control and functions of licensing authorities;

(b) the form and particulars of application for the grant or renewal of a licence and where the application is for the renewal of a licence, the time within which it shall be made;

(c) the form in which and the conditions subject to which any licence may be granted or refused, renewed, varied, suspended or revoked;

(d) where no period has been specified in this Act, the period for which any licence shall continue to be in force;

(e) the fees payable in respect of any application for the grant or renewal of a licence and in respect of any licence granted or renewed and the manner of paying the same;

(f) the manner in which the maker's name, the manufacturer's number or other identification mark of a firearm shall be stamped or otherwise shown thereon;

(g) the procedure for the test or proof of any firearms;

(h) the firearms that may be used in the course of training, the age-limits of persons who may use them and the conditions for their use by such persons;

(i) the authority to whom appeals may be preferred under section 18, the procedure to be followed by such authority and the period within which appeals shall be preferred, the fees to be paid in respect of such appeals and the refund of such fees;

(j) the maintenance of records or accounts of anything done under a licence other than a licence under section 3 or section 4, the form of, and the entries to be made in, such records or accounts and the exhibition of such records or accounts to any police officer or to any officer of Government empowered in this behalf;

(k) the entry and inspection by any police officer or by any officer of Government empowered in this behalf of any premises or other place in which arms or ammunition are or is manufactured or in which arms or ammunition are or is kept by a manufacturer or dealer in such arms or ammunition and the exhibition of the same to such officer;

(l) the conditions subject to which arms or ammunition may be deposited with a licensed dealer or in a unit armoury as required by sub-section (1) of section 21 and the period on the expiry of which the things so deposited may be forfeited;

(m) any other matter which is to be, or may be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

45. *Act not to apply in certain cases.*—Nothing in this Act shall apply to—

- (a) arms or ammunition on board any sea-going vessel or any aircraft and forming part of the ordinary armament or equipment of such vessel or aircraft;
- (b) the acquisition, possession or carrying, the manufacture, repair, conversion, test or proof, the sale or transfer or the import, export or transport of arms or ammunition;—
 - (i) by or under orders of the Central Government, or
 - (ii) by a public servant in the course of his duty as such public servant, or
 - (iii) by a member of the National Cadet Corps, raised and maintained under the National Cadet Corps Act, 1948 (31 of 1948), or by any officer or enrolled person of the Territorial Army raised and maintained under the Territorial Army Act, 1948 (56 of 1948), or by any member of any other forces raised and maintained or that may hereafter be raised and maintained under any Central Act, or by any member of such other forces as the Central Government may, by notification in the Official Gazette, specify, in the course of his duty as such member, officer or enrolled person;
- (c) any weapon of any obsolete pattern or of antiquarian value or in disrepair which is not capable of being used as a firearm either with or without repair;
- (d) the acquisition, possession or carrying by a person of minor parts of arms or ammunition which are not intended to be used along with complementary parts acquired or possessed by that or any other person.

46. *Repeal of Act 11 of 1878.*—(1) The Indian Arms Act, 1878 (11 of 1878), is hereby repealed.

(2) Notwithstanding the repeal of the Indian Arms Act, 1878 (11 of 1878), and without prejudice to the provisions of section 6 and 24 of the General Clauses Act, 1897 (10 of 1897), every licence granted or renewed under the first-mentioned Act and in force immediately before the commencement of this Act shall, unless sooner revoked, continue in force after such commencement for the unexpired portion of the period for which it has been granted or renewed.

Received assent on 24-12-1959.

THE INDIAN STATISTICAL INSTITUTE ACT, 1959 (57 OF 1959)

AN
ACT

to declare the institution known as the Indian Statistical Institute having at present its registered office in Calcutta to be an institution of national importance and to provide for certain matters connected therewith.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Indian Statistical Institute Act, 1959.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(a) “Institute” means the Indian Statistical Institute registered under the Societies Registration Act, 1860 (21 of 1860);

(b) “memorandum” means the memorandum of association of the Institute filed with the Registrar of Joint-Stock Companies under the Societies Registration Act, 1860 (21 of 1860);

(c) “rules and regulations” includes any rule or regulations (by whatever name called) which the Institute is competent to make in the exercise of the powers conferred on it under the Societies Registration Act, 1860, (21 of 1860) but shall not include any bye-laws or standing orders made under the rules and regulations for the conduct of its day-to-day administration.

3. *Declaration of the Indian Statistical Institute as an institution of national importance.*—Whereas the objects of the institution known as the Indian Statistical Institute are such as to make it an institution of national importance it is hereby declared that the Indian Statistical Institute is an institution of national importance.

4. *Grant of degrees and diplomas by Institute.*—Notwithstanding anything contained in the University Grants Commission Act, 1956, (3 of 1956) or in any other law for the time being in force, the Institute may hold such examinations and grant such degrees and diplomas in statistics as may be determined by the Institute from time to time.

5. *Grants, loans etc., by Central Government to the Institute.*—For the purpose of enabling the Institute to discharge efficiently its functions, including research, education, training, project activities and statistical work relating to planning for national development, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money as that Government considers necessary by way of grant, loan or otherwise.

6. *Audit of accounts of the Institute.*—(1) The accounts of the Institute shall be audited by auditors duly qualified to act as auditors of companies under the Companies Act, 1956 (1 of 1956), and the Institute shall appoint such auditors as the Central Government may, after consultation with the Comptroller and Auditor General of India and the Institute, select.

(2) The Central Government may issue such directions to the auditors in the performance of their duties as it thinks fit.

(3) Every such auditor in the performance of his

duties shall have at all reasonable times access to the registers, books of accounts, records and other documents of the Institute.

(4) The auditors shall submit their report to the Institute and shall also forward a copy thereof to the Central Government for its information.

7. Prior approval of Central Government necessary for certain action by Institute.—Notwithstanding anything contained in the Societies Registration Act, 1860 (21 of 1860), or in the memorandum or rules and regulations, the Institute shall not, except with the previous approval of the Central Government—

- (a) alter, extend or abridge any of the purposes for which it has been established or for which it is being used immediately before the commencement of this Act, or amalgamate itself either wholly or partially with any other institution or society; or
- (b) alter or amend in any manner the memorandum or rules and regulations; or
- (c) sell or otherwise dispose of any property acquired by the Institute with money specifically provided for such acquisition by the Central Government:

Provided that no such approval shall be necessary in the case of any such movable property or class of movable property as may be specified by the Central Government in this behalf by general or special order; or

- (d) be dissolved.

8. Constitution of Committees by Central Government for preparing programme of work by the Institute etc.—

(1) The Central Government may constitute as many Committees as and when it considers necessary consisting of such number of persons as it thinks fit to appoint thereto and assign to each such Committee all or any of the following duties namely:—

- (a) the preparation and submission to the Central Government as far as possible before the commencement of each financial year, of statements showing programmes of work agreed to be undertaken by the Institute during that year for which the Central Government may provide funds, as well as general financial estimates in respect of such work; and

- (b) the settlement on broad lines of the programme of such work.

(2) Where the Institute does not agree to undertake any work suggested by any Committee referred to in sub-section (1), it shall give to the Central Government its reasons for not so agreeing.

9. Review of work done, inspection of assets, etc.—

(1) The Central Government may constitute a Committee consisting of such number of persons as it thinks fit to appoint thereto for the purpose of—

- (a) reviewing the work done by the Institute and the progress made by it;
- (b) inspecting its buildings, equipment and other assets;
- (c) evaluating the work done by the Institute; and
- (d) advising Government generally on any matter which in the opinion of the Central Government is of importance in connection with the work of the Institute;

and the Committee shall submit its report thereon in such manner as the Central Government may direct.

(2) Notice shall be given in every case to the Institute of the intention to cause a review, inspection or evaluation to be made, and the Institute shall be entitled to appoint a representative who shall have the right to

be present and be heard at such review, inspection or evaluation.

(3) The Central Government may address the Chairman of the Institute with reference to the result of such review, inspection or evaluation as disclosed in any report of the Committee referred to in sub-section (1), and the Chairman shall communicate to the Central Government the action, if any, taken thereon.

(4) When the Central Government has, in pursuance of sub-section (3), addressed the Chairman of the Institute in connection with any matter, and the Chairman does not within a reasonable time take action to the satisfaction of the Central Government in respect thereof, the Central Government may, after considering any explanations furnished or representations made on behalf of the Institute, issue such directions as it considers necessary in respect of any of the matters dealt with in the report.

10. Institute to afford facilities to Committees.—The Institute shall be bound to afford all necessary facilities to any Committee constituted under section 8 or section 9 for the purpose of enabling it to carry out its duties.

11. Power to issue directions to Institute.—(1) The Central Government may, if it is satisfied that it is necessary so to do in the public interest, issue, for reasons to be recorded and communicated to the Institute, such directions as it thinks fit to the Institute, and such directions may include directions requiring the Institute—

- (a) to amend the memorandum or to make or amend any rule or regulation within such period as may be specified in the directions;

- (b) to give priorities to the work undertaken or to be undertaken by the Institute in such manner as the Central Government may think fit to specify in this behalf.

(2) Any directions issued under this section shall have effect, notwithstanding anything contained in any law for the time being in force or in the memorandum or rules and regulations of the Institute.

12. Power of Central Government to assume functions of control.—(1) If, in the opinion of the Central Government,—

- (i) the Institute without just or reasonable cause has made default in giving effect to any direction issued under sub-section (4) of section 9 or section 11; or

- (ii) the Council of the Institute has exceeded or abused its powers in relation to the Institute or any part thereof;

the Central Government may, by written order, direct the Institute within a period to be specified in the order to show cause to the satisfaction of the Central Government against the making of any appointment referred to in sub-section (2).

(2) If, within the period fixed by any order issued under sub-section (1), cause is not shown to the satisfaction of the Central Government, the Central Government may, by order published in the Official Gazette and stating the reasons therefor, appoint one or more persons to take charge of the Institute or any part thereof for such period not exceeding two years as may be specified in the order.

(3) Notwithstanding anything contained in any law for the time being in force or in the memorandum or rules and regulations of the Institute, on the issue of an order under sub-section (2), during the period specified in that order—

- (a) where the order provides for any person or persons being in charge of the Institute,—

- (i) all persons holding office as Members of the Council, including the Chairman, shall be deemed to have vacated their offices as such,
- (ii) the person or persons appointed under sub-section (2) to be in charge of the Institute shall exercise all the powers and perform all the duties of the Chairman or Council of the Institute, whether at a meeting or otherwise, in respect of the Institute,
- (b) where the order provides for any person or persons being in charge of any part of the Institute, the person or persons so appointed shall alone be entitled to exercise all the powers and perform all the duties of the Chairman or Council in relation to that part.

Assented to on 24-12-59.

THE SUGAR (SPECIAL EXCISE DUTY) ACT, 1959 (ACT No. 58 OF 1959)

AN
ACT

to provide for the imposition of a special duty of excise on certain sugar.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Sugar (Special Excise Duty) Act, 1959.

(2) It shall be deemed to have come into force on the 25th day of October, 1959.

2. *Definitions.*—In this Act, unless the context otherwise requires:—

(a) “Central Excises Act” means the Central Excises and Salt Act, 1944 (1 of 1944);

(b) “factory” means any premises, including the precincts thereof, wherein or in any part of which sugar is being manufactured, or, wherein or in any part of which, any manufacturing process connected with the production of sugar is being carried on or is ordinarily carried on, and includes any premises wherein sugar in respect of which the duty of excise payable under the Central Excises Act or the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957), has not been paid, is stored;

(c) “sugar” means any form of sugar, whether wholly or partially manufactured, but does not include,—

(i) khandsari sugar, that is to say sugar in the manufacture of which neither a vacuum pan nor a vacuum evaporator is employed; or

(ii) palmyra sugar, that is to say sugar manufactured from jaggery obtained by boiling the juice of the palmyra palm.

3. *Imposition of special additional excise duty on certain sugar.*—(1) There shall be levied and collected in respect of that quantity of sugar removed from any factory on or after the commencement of this Act as is equivalent to the quantity of sugar lying in stock on such commencement within the precincts of the factory, a special duty of excise at the rate of rupees two and fifty-two Naya paise per cwt.

(2) The duty of excise referred to in sub-section (1) shall be in addition to the duties of excise chargeable on sugar under the Central Excises Act or any other law for the time being in force.

(3) The provisions of the Central Excises Act and the rules thereunder, including those relating to refunds and exemptions from duty shall, so far as may be, apply in relation to the levy and collection of the special duty of excise referred to in sub-section (1) as they apply in relation to the levy and collection of the duties of excise on sugar under the Central Excises Act.

4. *Effect of levy of duty on certain transactions.*—Where, in compliance with an order made with reference to clause (f) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), a person is required to sell any sugar, the price of the sugar so required to be sold shall, if he has paid the special duty of excise leviable under section 3 on such sugar, include an amount equivalent to the duty so paid, and he shall be entitled to be paid such amount by the buyer.

5. *Repeal.*—The Sugar (Special Excise Duty) Ordinance, 1959 (3 of 1959), is hereby repealed.

Assented to on 24-12-59.

THE MARRIED WOMEN'S PROPERTY (EXTENSION) ACT, 1959 (ACT No. 61 OF 1959)

AN
ACT

to provide for the extension of the Married Women's Property Act, 1874, to parts of India in which it is not now in force.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Married Women's Property (Extension) Act, 1959.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Married Women's Property Act, 1874 (3 of 1874), (hereinafter referred to as the principal Act), for the sentence “It extends to the whole of India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States.”, the sentence “It extends to the whole of India except the State of Jammu and Kashmir.” shall be substituted.

3. *Amendment of section 6.*—For sub-section (2) of section 6 of the principal Act, the following sub-section shall be substituted, namely:—

“(2) Notwithstanding anything contained in section 2, the provisions of sub-section (1) shall apply in the case of any policy of insurance such as is referred to therein which is effected—

(a) by any Hindu, Mohamman, Sikh or Jain,—

(i) in Madras, after the thirty-first day of December, 1913, or

(ii) in any other territory to which this Act extended immediately before the commencement of the Married Women's Property (Extension) Act, 1959, after the first day of April, 1923, or

(iii) in any territory to which this Act extends on and from the commencement of the Married Women's Property (Extension) Act, 1959, on or after such commencement;

(b) by a Buddhist in any territory to which this Act extends, on or after the commencement of the

Married Women's Property (Extension) Act, 1959:

Provided that nothing herein contained shall affect any right or liability which has accrued or been incurred under any decree of a competent court passed:—

- (i) before the first day of April, 1923, in any case to which sub-clause (i) or sub-clause (ii) of clause (a) applies; or
- (ii) before the commencement of the Married Women's Property (Extension) Act, 1959, in any case to which sub-clause (iii) of clause (a) or clause (b) applies."

4. *Amendment of Act 30 of 1950.*—In Part A of the Schedule to the Union Territories (Laws) Act, 1950, the entry relating to the Married Women's Property Act, 1874, shall be omitted.

5. *Repeals and savings.*—If immediately before the commencement of this Act, there is in force in any territory to which the principal Act is now extended any law corresponding to the principal Act, that law shall, save as otherwise expressly provided in this Act, stand repealed on such commencement:

Provided that the repeal shall not affect:—

- (a) the previous operation of any law so repealed or anything duly done or suffered thereunder;
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed;
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (d) any investigation; legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation; legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of the principal Act, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the principal Act.